

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
SECOND REGULAR SESSION
26th Legislative Day
Thursday, March 29, 2018

The House voted to **INSIST**.

Representative HERBIG of Belfast assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.
Prayer by Ms. Tricia Thurston, The American Legion Department of Maine.
National Anthem by Bonny Eagle High School Chorus, Standish.
Pledge of Allegiance.
Doctors of the day, Natalie Maida, D.O., Brunswick and Anne Hicks, M.D., South Portland.
The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Modify the Number of Retail Liquor Licenses Allowed in a Jurisdiction per Person"
(S.P. 642) (L.D. 1743)

Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ and ACCEPTED** in the House on March 27, 2018.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** was **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-382)** in **NON-CONCURRENCE**.

On motion of Representative GOLDEN of Lewiston, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Safeguard the Rights of Private Child Care Businesses"
(H.P. 811) (L.D. 1148)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ and ACCEPTED** in the House on March 27, 2018.

Came from the Senate with the Minority (6) **OUGHT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Eliminate Inactive Boards and Commissions"
(H.P. 1286) (L.D. 1849)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** in the House on March 27, 2018.

Came from the Senate with the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-671)** in **NON-CONCURRENCE**.

Non-Concurrent Matter

Bill "An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit"

(H.P. 930) (L.D. 1336)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-605) AS AMENDED BY HOUSE AMENDMENT "A" (H-637) thereto in the House on March 20, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-605)** in **NON-CONCURRENCE**.

On motion of Representative ESPLING of New Gloucester, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 474)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 22, 2018

Honorable Sara Gideon
Speaker of the House
Honorable Michael D. Thibodeau
President of the Senate
128th Legislature
State House
Augusta, Maine 04333

Dear Speaker Gideon and President Thibodeau:

Please accept this letter as the report from the Joint Standing Committee on Health and Human Services regarding its review and evaluation of the Department of Health and Human Services under the State Government Evaluation Act, Title 3, Maine Revised Statutes, chapter 35.

The Committee received the report from the Department of Health and Human Services on November 1, 2017, as required by statute. However, during the review of the report in the second session, the Committee was unable to engage in any direct dialogue with any members of the Department. All other joint standing committees that conducted Government Evaluation Act reviews in the 128th Legislature were able to engage with agency personnel, including Commissioners. However, after seeking permission from Governor LePage to allow Commissioner Hamilton's attendance at the Committee's meeting to review the Department's report, the Committee was informed that no one from the Department would be in attendance for the purposes of the Government Evaluation Act review.

The Committee submitted written questions to the Commissioner through the Department's Director of Government Relations and Policy on February 9, 2018 and received written answers on March 13. The Committee appreciated the packet of responses from the Department and commends the Department for submitting both the report and taking the time to write answers to the questions submitted by the Committee. Committee members noted that while some responses were detailed and considered and others were not, all of the answers prompted further questions that could not be explored given the lack of direct dialogue with the Department

and the statutory deadline for reporting to the Legislature under the Government Evaluation Act law. Departmental reviews pursuant to the Government Evaluation Act occur every eight years and are part of the oversight function of the Legislature. The Committee finds that the lack of in-person participation by the Department undermined the Committee's ability to exercise this oversight function. The majority of the Committee identified a number of issues that they would have liked to explore with the Department that were either raised in the report (particularly in the emerging issues sections of the Department's report) or had arisen since the report was submitted to the Legislature. These issues include: rural health care and long term plans to ensure patient access to health care; the need to attract and retain workers in health care and direct care fields; the child protective system; the opioid crisis; Riverview Psychiatric Center certification and funding as well as access to step down facilities; the loss of crisis beds; and plans for emergency response to public health threats including influenza and other epidemics.

The minority of the Committee finds that the Department of Health and Human Services is operating within its statutory authority.

Sincerely,

S/Senator Eric L. Brakey

Senate Chair

S/Representative Patricia Hymanson

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 929)

**MAINE SENATE
128TH LEGISLATURE
OFFICE OF THE SECRETARY**

March 28, 2018

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 Criminal Justice and Public Safety on Bill "An Act To Improve Public Safety through Expanded Department of Corrections Treatment, Education and Vocational Programs" (H.P. 1186) (L.D. 1706) in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Clarify the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists" (EMERGENCY)

(H.P. 1325) (L.D. 1892)

Sponsored by Speaker GIDEON of Freeport.

Cosponsored by Senator WOODSOME of York and Representatives: CHACE of Durham, FECTEAU of Biddeford, HEAD of Bethel, HYMANSON of York, SYLVESTER of Portland, VACHON of Scarborough, Senators: DILL of Penobscot, SAVIELLO of Franklin.

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

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents by Requiring the Use of a Federal Immigration Verification System"

(H.P. 1326) (L.D. 1893)

Sponsored by Representative LOCKMAN of Amherst. (GOVERNOR'S BILL)

Cosponsored by Representatives: AUSTIN of Gray, ESPLING of New Gloucester, GINZLER of Bridgton, KINNEY of Knox, PICKETT of Dixfield, PRESCOTT of Waterboro, STETKIS of Canaan, Senator: DAVIS of Piscataquis.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

Representative FECTEAU of Biddeford moved that the Bill be **TABLED** until later in today's session pending **REFERENCE**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **REFERENCE**.

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending Reference. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 543

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiaga, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Rykerson, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, White, Winsor, Wood.

ABSENT - Beebe-Center, Daughtry, Dillingham, Grignon, Hamann, McLean, Ordway, Riley, Sanborn, Sherman, Wallace, Ward.

Yes, 74; No, 65; Absent, 12; Excused, 0.

74 having voted in the affirmative and 65 voted in the negative, with 12 being absent, and accordingly the Bill was **TABLED** pending **REFERENCE** and later today assigned.

**Pursuant to Statute
Revisor of Statutes**

Representative MOONEN for the **Revisor of Statutes** pursuant to the Maine Revised Statutes, Title 1, section 94 asks leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1327) (L.D. 1894)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative SHEATS of Auburn, the following Joint Resolution: (H.P. 1324) (Cosponsored by Senator LIBBY of Androscoggin and Representatives: BICKFORD of Auburn, BROOKS of Lewiston, DUCHESNE of Hudson, FAY of Raymond, FULLER of Lewiston, GOLDEN of Lewiston, MONAGHAN of Cape Elizabeth, Senator: MASON of Androscoggin)

**JOINT RESOLUTION, RECOGNIZING 2018 AS THE YEAR
OF THE BIRD AND THE CENTENNIAL OF THE FEDERAL
MIGRATORY BIRD TREATY ACT**

WHEREAS, 2018 has been designated the Year of the Bird by National Geographic, the Cornell Lab of Ornithology, the National Audubon Society and more than 100 other organizations; and

WHEREAS, the Year of the Bird marks the centennial of the federal Migratory Bird Treaty Act, the most powerful and important bird protection law ever passed; and

WHEREAS, migrant bird species play an important economic role in our State, controlling insect pests and generating millions in recreational dollars statewide; and

WHEREAS, the Stanton Bird Club of the Lewiston-Auburn area has been devoted to stimulating an interest in birds, maintaining Thorncrag Nature Sanctuary, a 450-acre sanctuary in Lewiston, and inculcating a love of nature and science through its outreach to school children and adults alike; and

WHEREAS, the Auburn Public Library has been a resource for the City of Auburn and the surrounding communities for over 125 years with a mission of engaging, enlightening and enriching the community; and

WHEREAS, the Auburn Public Library in partnership with the Stanton Bird Club is celebrating the Year of the Bird with programs designed to focus public awareness on the importance of migratory bird conservation and habitat protection as well as on the need to take steps to mitigate environmental threats along migratory bird routes and to their summer and winter homes; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize 2018 as the Year of the Bird and the centennial of the federal Migratory Bird Treaty Act; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Stanton Bird Club and the Auburn Public Library.

READ.

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

Representative **SHEATS**: Thank you, Madam Speaker. This resolution recognizes 2018 as the Year of the Bird and the centennial of the Federal Migratory Bird Treaty Act. I sponsored the bill at the request of the Auburn Public Library and the Stanton Bird Club and the Thorncrag Bird Sanctuary in Lewiston. Yes, there's a bird sanctuary in Lewiston. I did this because I learned that birdwatching is a major contributor to our tourist industry, and I hope members of this body will share this resolution widely with their own libraries and clubs in their district to support our industries. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 63)

ORDERED, that Representative Richard T. Bradstreet of Vassalboro be excused March 6 and 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Matthew Dana II of the Passamaquoddy Tribe be excused January 18 and 30; February 1, 6, 8, 13, 15, 20, 22 and 27; and March 1, 6, 15, 20 and 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Phyllis A. Ginzler of Bridgton be excused March 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeffery P. Hanley of Pittston be excused March 15 and 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William R. Tuell of East Machias be excused March 20 for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Hermon High School Boys Varsity Basketball Team, of Hermon, which won the Class B State Championship. Members of the team include Jacob Godfrey, Kent Johnson, Wyatt Michaud, Tyler Hawes, Cody Hawes, Keenan Marseille, Wyatt Gogan, Isaac Varney, Jordan Bishop, Garrett Trask, Joel Bergeron, Dylan Leighton, Eli Reed, Connor Patten and Zach Tubbs; assistant coaches Charles Colson, Roger Reed, Anthony Davis and Gary Colson; and head coach Mark Reed. We extend to all the members of the team our congratulations and best wishes;

(HLS 1007)

Presented by Representative REED of Carmel.

Cosponsored by Senator GRATWICK of Penobscot.

On **OBJECTION** of Representative REED of Carmel, was **REMOVED** from the Special Sentiment Calendar.

READ and PASSED and sent for concurrence.

Recognizing:

the Hermon High School Varsity Cheerleading Team, of Hermon, which won the Class B State Championship. Members of the team include Jasmine Boulier, Brooklyn Brown, Jenika Buck, Trinity Butler, Kalley Curry, Cali Cyr, Mercedes Davis, Ashley Dunphy, Kate Fergola, Mia Foley, Jazmin Landry, Kristen Lusignan, Hannah Morin, Olivia Nash, Cameron Peirce, Jillian Shorey, Leah Thibault Myatt, Emily Willey, Torria Wittmer and Laura Zenk; assistant coach Christina Paradis; and head coach Kristie Reed. We extend to all the members of the team our congratulations and best wishes on this achievement;

(HLS 1008)

Presented by Representative REED of Carmel. Cosponsored by Senator GRATWICK of Penobscot, Representative GUERIN of Glenburn.

On **OBJECTION** of Representative REED of Carmel, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **REED**: Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House. I rise this morning to recognize two state champions from Hermon High School for the year of 2018. I have risen numerous times to recognize the cheering teams from Hermon High School. They have been champions eight out of the last ten years, and have won back to back titles in 2017 and 2018.

When it comes to Class B cheering, all eyes are on the Hermon Hawks. The opposition knows they have to bring their A game if they are going to take home the trophy. Congratulations to Kristie Reed and Christina Paradis, who have worked long, hard hours, year after year, to put outstanding teams on the floor. And congratulations to the ladies here today for accepting the challenge and becoming part of their championship tradition. You have continued to set a high standard for all the young girls that long to be future Hermon Hawk cheerleaders.

The second part of this sentiment this morning is quite an amazing story, and it's also a most enjoyable one for me. Some of you that are Red Sox fans know that we had to wait from 1918 to 2004 to see the Red Sox win another championship. The people in the Town of Hermon didn't wait 86 years for a championship, they waited even longer. So, the Hermon Hawks boys basketball team, in winning this year, made history and got a huge monkey off its back. They won the first boys state championship in the long 91-year history of Hermon High School, and in the process they completed an undefeated season, finishing at 22 wins and zero losses.

Hermon High School opened its doors in 1927 and they put their first basketball team on the floor that same year. So you can just imagine how the town feels about this team after this year. Hermon has had a lot of outstanding basketball players over the years, and they have participated in many tournaments since 1927, but getting to the tournament is hard and winning the tournament is even harder. So, today we say congratulations to Mark Reed, Charlie Colson, Anthony Davis, and Gary Colson for their outstanding coaching throughout the year. We also offer congratulations to our seniors for their leadership, to our underclassmen for their contributions, and to all for playing hard, playing smart, and playing together all year to accomplish and achieve their goals. Your community is proud of all of you. We thank all of you today, from both teams, for being here and sharing your time with us this morning. We have been honored to have you here. Keep

striving, and always remember that it's sometimes easier to reach the top of the mountain than it is to stay there.

I also want to acknowledge that the Wells Warriors were an outstanding team. They competed hard throughout the game. They were a tough, aggressive bunch, and certainly deserved to be in the state championship game. Congratulations to my colleague, Representative Foley, who represents this district and this fine team that has competed in the state game for the past two years. I am sure that he is equally as proud of his team. Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Madam Speaker. I'd like to join my congratulations with Representative Reed's for the Hermon basketball team and the Hermon cheerleaders. They certainly are fine athletes, each in their own right, but I would like to call to attention the character issue of these teams. I think we have some people of extraordinary character leading the teams, and the participants themselves are a credit to our part of the state, and I wish them well in their future endeavors. I have no doubt that someone may be sitting in my seat from that group someday.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Thank you, Madam Speaker, and thank you Representative Reed. I would like to stand and congratulate the Hermon Hawks for a fine season. I watched the game against my hometown team, and we were thoroughly spanked by a very good team. I do hope that we have a chance to meet again under the same circumstances, but congratulations to Coach Reed and his staff.

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

Representative **TUELL**: Thank you, Madam Speaker. I rise just briefly to echo my congratulations of the Hermon team. You might wonder why someone from Washington County would be concerned -- would be -- take an interest in a team some hundred miles away. Well, there's a little story there, and we're awful proud in the Machias area of one James Godfrey, who joined the Hermon team this past year, and played a whale of a game in the championship game along with his teammates, and I can tell you there were a lot of folks Downeast that were rooting that team on, too. So, they have earned the admiration and respect all across the state. Congratulations on a job well done.

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

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

Recognizing:

Jarrett Bean, of Bethel, a senior at Telstar High School and a player on the boys basketball team, who recently scored his 1,000th career point. We extend to Jarrett our congratulations and best wishes;

(HLS 1009)

Presented by Representative HEAD of Bethel. Cosponsored by Senator KEIM of Oxford.

On **OBJECTION** of Representative HEAD of Bethel, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bethel, Representative Head.

Representative **HEAD**: Thank you, Madam Speaker and Men and Women of the Chamber. Jarrett is a senior at Telstar Regional High School. These are just a few of Jarrett's accomplishments in his high school career: Scoring a thousand points for his high school basketball team, and 750 rebounds. Jarrett participated in the Morning at the Museum. This program is for children five to nine years of age, sponsored by the Bethel Historical Society, and Jarrett did this for two years. Mentoring young students at basketball for four years, dedicating 12 Saturdays a year to help younger students. Jarrett was a Boys State delegate for the American Legion and class president for two years. I won't even try to mention all of his awards, it would just take too darn long. I have only mentioned a few of Jarrett's accomplishments in high school career. I am proud of this young man and proud of all his contribution to others, and respect his values. Before I stop, I want to let you know that Jarrett has been accepted at Husson College in Bangor and plans to study pre-pharmacy, Chase. Jarrett, thank you for all you've done to encourage younger students, and for studying here in Maine. All the best to you, Jarrett. Thank you, Madam Speaker.

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

Recognizing:

the Hampden Academy Boys Basketball Team, of Hampden, which won the Class A North Championship. We extend to all the members of the team our congratulations and best wishes;

(HLS 1010)

Presented by Representative HAGGAN of Hampden. Cosponsored by President THIBODEAU of Waldo, Senator CUSHING of Penobscot, Representative GUERIN of Glenburn.

On **OBJECTION** of Representative HAGGAN of Hampden, was **REMOVED** from the Special Sentiment Calendar.

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

Recognizing:

the Hampden Academy Girls Basketball Team, of Hampden, which won the Class A North Championship. We extend to all the members of the team our congratulations and best wishes;

(HLS 1011)

Presented by Representative HAGGAN of Hampden. Cosponsored by President THIBODEAU of Waldo, Senator CUSHING of Penobscot, Representative GUERIN of Glenburn.

On **OBJECTION** of Representative HAGGAN of Hampden, was **REMOVED** from the Special Sentiment Calendar.

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

Recognizing:

Ian McIntyre, of Hampden, a senior at Hampden Academy and a member of the boys basketball team, who recently scored his 1,000th career point. We extend to Ian our congratulations and best wishes;

(HLS 1012)

Presented by Representative HAGGAN of Hampden. Cosponsored by Senator CUSHING of Penobscot.

On **OBJECTION** of Representative HAGGAN of Hampden, was **REMOVED** from the Special Sentiment Calendar.

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

Recognizing:

Sienna Probert, of Hampden, who is a recipient of a 2018 Biomedical Services Real Heroes Award from the American Red Cross of Maine, Northern and Eastern Maine Chapter, for her organization of blood drives collecting more than 120 units of blood. We extend to Sienna our congratulations and best wishes;

(HLS 1013)

Presented by Representative HAGGAN of Hampden.

Cosponsored by Senator CUSHING of Penobscot.

On **OBJECTION** of Representative HAGGAN of Hampden, was **REMOVED** from the Special Sentiment Calendar.

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

Recognizing:

the Hampden Academy Unified Basketball Team, of Hampden, which won the Unified Basketball North Regional Championship. Members of the team include Brianna Leneski, Joshua Leneski, Sarah Southard, Madison Mooers, Cordelle Moholland, Jaron Baude, Addie Hughes, Gabby Doucette, Isaiah Palmer, Ethan Quimby, Josh Stebbins, Samantha Quesnel, Rachel Gardella, Trevor Reed, Dana Faloon, Kyle Prim, Bryiana Mooers, Mychal Beaulieu and Bobby Dudley; managers Margaret Thurlow and Selina Turgeon; assistant coach Linda MacDonald; and head coach Andrea Lee. We extend to all the members of the team our congratulations and best wishes;

(HLS 1016)

Presented by Representative HAGGAN of Hampden.

Cosponsored by Senator CUSHING of Penobscot.

On **OBJECTION** of Representative HAGGAN of Hampden, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **HAGGAN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It is with great pride that I rise to recognize all of these many HA teams. I'm a proud alum of Hampden Academy. Back in 1980 and '81, I was a very unhappy loser, and it's really nice to see that we had all three, the Hampden Academy boys, Hampden Academy girls, and the Hampden Academy unified basketball teams all make it to the state game. It's just wonderful.

I had the pleasure of having almost all of these players in class. I've had them in sixth grade, eighth grade, and I've coached many of the girls on my A team girls soccer team, and I can tell you that they are some fantastic people. I also coach not A, not B, but C team basketball, and I've had several of the players also, and they've done really well.

I'd like to honor Ian McIntyre. It's not every day you get a 1,000-point scorer. He's been a four-year starter, he won a state title for Hampden Academy; and what a fine family, the McIntyre family, they are.

Last but not least, I'd like to throw a few beautiful compliments to Sienna Probert. I had her in class as an eighth grader. She's a wonderful, wonderful kid. Had some setbacks, and decided to pay the community back for all of their help, and she raised over 120 pints of blood. She's just a wonderful, wonderful kid, and she gets the biomedical services Real Heroes Award from the American Red Cross. It couldn't go to a finer person. Thank you very much.

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

Recognizing:

Trudy Foss, of Dresden, who recently retired as an administrative assistant for the Town of Dresden after 29 years of service. Ms. Foss initially worked for the town as a bus driver and dog catcher and went on to serve in a great variety of roles in the town office. We extend to Ms. Foss our appreciation for her service and offer her our best wishes;

(HLS 1014)

Presented by Representative PIERCE of Dresden.

Cosponsored by Senator VITELLI of Sagadahoc.

On **OBJECTION** of Representative PIERCE of Dresden, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative **PIERCE**: Madam Speaker, Ladies and Gentlemen of the House, it's my pleasure to recognize Ms. Foss today. She's been a terrific asset to the Town of Dresden. She's done so many different jobs and trained so many other people to take over those jobs. She's still very active in our community, which we're grateful for. She actually runs our water department. Yes, there's 18 of us on it, but she runs it and does a great job. She's also still our municipal assessor, and we couldn't run the town without her and her guidance, and I just wanted to thank Trudy personally. Thank you.

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

In Memory of:

Lieutenant Colonel John S. Ames, United States Army, Retired, of Cumberland. Lieutenant Colonel Ames enlisted in the United States Army in 1946 and retired in 1968, after serving in many places, including in Taiwan and Vietnam. He received the Bronze Star and a citation for meritorious achievement for his service in Vietnam. In June 1964, he became the United States Army advisor to the Maine National Guard. He later formed a partnership with his son John in what became the Ames Farm Center in North Yarmouth. He was an active member of the American Legion, Veterans of Foreign Wars and Social Harmony Lodge, Ancient Free and Accepted Masons, in Wareham, Massachusetts. He also was a member of the Cumberland County Extension Board, Westcustogo Grange No. 27 and the North Yarmouth Historical Society, among other organizations. Lieutenant Colonel Ames will be long remembered and sadly missed by his family and friends;

(HLS 1015)

Presented by Representative CHACE of Durham.

Cosponsored by Senator BREEN of Cumberland, Representative DENNO of Cumberland.

On **OBJECTION** of Representative CHACE of Durham, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE**: Thank you, Madam Speaker. In our ability as Representatives we meet a lot of people. We do a lot of traveling and we get to make friends in areas that we never knew we were going to meet. And so, when you get into

a town that you've never been involved in, like for me, North Yarmouth; I live in Durham. One of the first people I met in North Yarmouth was John Ames, Sr. He always has this subtle smile like he's on a joke that the rest of us don't know the answer to, and I believe that's the truth: he knows.

John retired from the military after 22 years, in 1968. I was 1 year old and his life was just beginning then. His civic duty to this country as an officer, a Lieutenant Colonel, fighting in two wars, some would say that is a career in itself; but I am so proud to say this gentleman has been the bedrock of North Yarmouth ever since then. For my entire life, John and his family, his son, John, Jr. who he partnered with to open Ames Hardware, which is still a foundational business in the North Yarmouth area, and their daughter Jennifer. This family is at every North Yarmouth event. When you talk about the bedrock of a community... Pam and her involvement at the Skyline Farm. John Ames was always at every one of these events. Once you got to meet John Ames, any event I went to in North Yarmouth, I immediately had a friend. It was amazing. From the Westcustogo Hall meetings, to the North Yarmouth Business Association, to the parades, to the fire department involvement, I have never met a family that is so involved in their community as John Ames was with his family, and the legacy that he leaves is huge.

One of my funniest stories is about the third or fourth time I ran into John at an event, as we were walking into the event, John would always smile and wave and say hello, and he was subtle, he was not a gregarious person, but he was very funny. So, we're walking up to him and he opens his arms and he goes, "Hello, darling, great to see you," and I'm thinking, is he talking to me? My wife was with me. He runs -- runs up, he and my wife hug and they start talking to each other like old friends. I had no idea my wife had been John Sr.'s pharmacist for several years. They were the best -- so it was the funniest thing ever that -- to see even my wife had this connection with this gentleman. And she talked about how he would make her day. He would come into the pharmacy, he would tell a joke, he would make everybody relax. He would sit down in the waiting area, and he knew everybody. And this is in Representative Cooper's district of Yarmouth, he knew everybody in Yarmouth. He knew everybody in Representative Denno's area of Cumberland. This gentleman is an institution, and I would be remiss not to bring that forward here. And, so, if I was able to have made his memorial, that would've been my testimony to him and his life of service. Thank you, Madam Speaker, and Members of the House.

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

Representative **COOPER**: Thank you, Madam Speaker. I'd just add that I spent so many hours there, taking care of pet rabbits, dogs, cats, mice, an iguana, almost -- I bought a rabbit hutch there. I mean, it was just such a throwback to another era, and I just love that place. Thank you.

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

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

ORDERS

On motion of Representative GROHMAN of Biddeford, the following Joint Resolution: (H.P. 1329) (Cosponsored by Senator CARSON of Cumberland and Representatives: DEVIN of Newcastle, HANINGTON of Lincoln, KINNEY of Limington, SHEATS of Auburn, STROM of Pittsfield, WINSOR of Norway, Senators: CARPENTER of Aroostook, DAVIS of Piscataquis)

JOINT RESOLUTION RECOGNIZING VIETNAM VETERANS APPRECIATION DAY ON MARCH 29, 2018

WHEREAS, the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975 and the United States Armed Forces became involved in Vietnam to provide direct military support for the Republic of South Vietnam to defend itself against the growing communist threat from North Vietnam; and

WHEREAS, according to the United States Department of Veterans Affairs, 8,744,000 military personnel served on active duty during the Vietnam War and 2,594,000 personnel served within the borders of South Vietnam between January 1, 1965 and March 28, 1973; and

WHEREAS, on March 29, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam; and

WHEREAS, the State of Maine has 343 names etched on the black granite wall of the Vietnam Veterans Memorial in the Nation's capital, and 11 of our soldiers are still missing in Southeast Asia; and

WHEREAS, March 30th of each year is Vietnam War Remembrance Day in Maine, in honor of the service and sacrifice of those veterans of the United States Armed Forces who served during the Vietnam War; and

WHEREAS, as with veterans returning from today's battlefields, those who served in Vietnam came home with both physical and unseen injuries of war, and many of those unseen injuries went undiagnosed and were not as well initially understood by the medical community and citizenry as they are now; and

WHEREAS, we must continue to honor the millions of men and women who served with valor during the Vietnam War, including those who suffered unseen injuries; and

WHEREAS, Vietnam Veterans Appreciation Day specifically honors the 7,200,000 living Vietnam War veterans and the 9,000,000 family members of those veterans; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to join in the observance of Vietnam Veterans Appreciation Day in order to honor the contributions of living veterans who served in the United States Armed Forces in Vietnam; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Defense, Veterans and Emergency Management.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Grohman.

Representative GROHMAN: Thank you, Madam Speaker. There are about 45,000 Vietnam veterans living in Maine, and many still feel unthanked for their service to their country. There were no Bangor Troop Greeters back then. Instead, when they arrived home, returning troops were often advised

to throw their uniforms away to avoid negative comments and worse. Many Vietnam veterans still struggle with their exposure to the surreal environment of a tropical war of attrition, and plus, at that time, there wasn't much understanding of posttraumatic stress disorder and its enduring effects. Some have lived for decades with this burden, leaving poor health, homelessness, and worse.

Now, Madam Speaker, you will have noticed in the reading of the resolution, which was done so well by Clerk Hunt, the number of missing veterans from Maine had dropped by one, and that's because -- down to 11, because Neil Brooks Taylor, the U.S. Navy of Rangeley, Maine, was identified and recovered. But for the State of Maine, we still have 11 Vietnam veterans unaccounted for: Malcolm Arthur Avore, U.S. Navy, of Hallowell, lost July 18, 1965 in South Vietnam; John Henry Ralph Brooks of the U.S. Army from Bryant Pond; Carl Russell Churchill, the U.S. Air Force, from Bethel; Richard Clair Dority, the U.S. Army, of Dover-Foxcroft; Blenn Colby Dyer of the U.S. Marine Corps, Standish; Walter Louis Hall, U.S. Army, Old Town; Terrence Higgins Hanley of the U.S. Navy, Gardiner; John Norman Huntley of the U.S. Army, Portland; Joseph Tony Musetti, Jr., the U.S. Navy, from Hall Quarry; William Stephen Sanders of the U.S. Air Force in Winthrop; Peter George Vlahakos of the U.S. Marine Corps, of Auburn, are still unaccounted for.

Now, local veterans also served in Thailand and Laos, including after 1973, and were not technically part of the official war, and their sacrifices are especially at risk of being forgotten. And, also, many, many thousands of women served in Vietnam, and this often gets overlooked. They served in hospital ships and fire bases and very much in the hot zone. Let's make especially sure to recognize our women veterans.

So, in closing, I just want to say we can't change history, but we can change the future. Here's what I would say to every veteran who served in the Vietnam era in any capacity if I could: you're often blamed for a war you didn't start, when you should have been commended for serving your country with valor. You came home and were sometimes treated disrespectfully when you should've been celebrated. Today, we want to make a small step towards making this right. Let us all say thank you for your service, and welcome home.

Subsequently, this Joint Resolution was **ADOPTED**.
Sent for concurrence.

The SPEAKER PRO TEM: Would all Vietnam era veterans and their families please stand and be recognized?

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the Calculation of Excise Tax on Automobiles"

(S.P. 623) (L.D. 1687)

Signed:

Senators:

DOW of Lincoln

CHENETTE of York

Representatives:

TIPPING of Orono

BICKFORD of Auburn

COOPER of Yarmouth

GRANT of Gardiner

STANLEY of Medway
TEPLER of Topsham
TERRY of Gorham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-421)** on same Bill.

Signed:

Representatives:

HILLIARD of Belgrade
POULIOT of Augusta
WARD of Dedham

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

READ.

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

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

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

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

Representative **POULIOT**: Thank you, Madam Speaker. I'm not sure that there's much that will be changed in the way of minds with this, but when I first ran for office, I was out knocking on doors and a gentleman said to me, "You know, look, I just got this new vehicle, and when I went to register it I was charged the excise tax based on the MSRP of the vehicle, not what I actually paid for it." And I'm like, huh, that doesn't sound right, so maybe we should do something about this. And, you know, being a young naive legislator, I thought that this should be no problem, it's pretty common sense, and came to the State House with a bill idea; and everyone said, we hear this every single year, you're not going to do anything about it. Well, this session we had an opportunity to address this bill again, and in the past a lot of times the bill has focused on no matter what somebody paid for the vehicle, they would be charged the excise tax based on what they paid, whether they bought it at a dealership or from somebody in a private sale.

I would argue that there's a lot of opportunity for nefarious things to happen in a private sale; somebody could write out a bill of sale for a dollar or ten dollars or a hundred dollars and then somebody could go and pay excise tax on that, which this bill was not focused on that. It was focused on a very narrow set of individuals that purchase their vehicle from a dealership, there would be, you know, a proof of how much was actually paid, that amount would have to be reported by the dealership for tax purposes, so very, you know, small amount of opportunity for fraud here; and it would allow the individual to pay based on what they actually paid at the dealership in the first year. And I think in an age when MSRPs continue to increase, increase, increase, so that a dealer can say to you hey, you're getting this great deal, the MSRP was \$60,000 but you only have to pay \$40,000. But then you go to the town office and you have to pay based on the \$60,000, to me that's just crazy. It flies in the face of any common sense whatsoever. So, I would ask that you follow my light on this bill. If nothing else, I'm standing up for the individuals who have asked me, time and time and time again, to pay the tax based on what they pay for the vehicle. Thank you very much, Madam Speaker Pro Tem.

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

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to this measure. I've been contacted on numerous occasions by constituents, and this is just a common sense issue, but it's also kind of a moral issue, a decency issue. I mean, why would we charge a tax on money that you didn't spend? Do we charge income taxes on wages you didn't earn? So, it's too simple to even argue about, for me. I hope you follow my light and defeat this measure. Thank you.

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

Representative **TIPPING**: Thank you, Madam Speaker. Madam Speaker, I -- Ladies and Gentlemen of the House, I identify with the Representative from Augusta in hearing these phone calls. But I would say that all this bill would do is delay that phone call a year, or perhaps get other people to call instead about an unfair system.

This bill would create a system where the same vehicle, the same make, model, year, color, could face -- be taxed differently in two different towns. It would also allow a potential, if someone got a good deal on their vehicle, to have them pay more excise tax in the second year than in the first. I think that would also be generating calls to members of this chamber. This bill would also allow people to use their trade-in value on the vehicle to reduce the cost of that vehicle, and then pay tax based on that amount. They may have not paid but they did give something in exchange for the vehicle, and I think it does speak to the value of the vehicle.

I would also say that the corollary used recently about it's not what they paid so it's not what they should be charged applies to the sales tax, and it works that way for the sales tax. But the equivalent of this is not a sales tax, the equivalent of the excise tax is the property tax. This excise tax is put in place instead of a property tax. If this weren't in place, there would be a property tax on this equipment, barring action of this Legislature. In that case, the better corollary would be a property tax on land or a house. It is different -- the valuation from the town may be different than the amount you paid on that house, but in order to make sure that we have a fair tax system, where at least everyone is working on the same playing field, we all try and use a fair valuation system.

Further, this issue has been brought up time and time again. In 2008, when the Committee voted down a very similar bill, we -- I wasn't there -- the Committee commissioned a work group to actually sit down and look at this with a number of stakeholders, and they found, I'll just quote the work group here, "The members of the study group were unanimous in the opinion that the only fair and consistent way to impose the excise tax is to base it on MSRP as is done currently. Basing the tax on purchase price would build tremendous inequity into the system, primarily because different purchasers are able to negotiate different prices for the same model, but also because it is not always possible to verify the validity of the purchase and sales agreement." So, for those reasons, I would ask that you support the motion of Ought Not to Pass.

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

Representative **ORDWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The -- I rise in opposition to the motion before us. This excise tax, based on an imaginary number, is the most unfair tax that I've ever seen in my life. Think about a brand-new vehicle that you buy at a dealership. By the time you get to town hall to pay the excise

tax, it's a used vehicle. It's not even worth nearly what they're going to charge you for, or even what you paid for it. This is an antiquated tax that needs to go away. Thank you.

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

Representative **STETKIS**: Thank you, Madam Speaker. Like my friend from Standish, in my frustration, I currently cannot think of a more abusive tax we have in our system on the poor. The people of my area, we don't drive ten and 15-year-old vehicles because we love to drive ten and 15-year-old vehicles. These enormous taxes, and this is just one of them, compounded over and over and over, continue to keep rural Mainers poor, and really frustrated with excuse after excuse why we can't do something about it. I think we need to concentrate on some priorities. We continue to vote in tax expenditures on, for instance, committees or boards that don't even exist or jobs in state government that don't exist. I think it's about time we start recognizing that we need to have priorities, and that's as far as I can go with that one. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE**: Thank you, Madam Speaker. I stand with trepidation, because I am not going to have the popular opinion of supporting this motion within my group, but after my stint on the Taxation Committee, I am in agreement with everything that everyone has said in this room. The excise tax is -- it's a poorly manufactured way to get out of property tax, but the fact remains that it is a property tax. It is a measurable portion of a town's, a municipality or a city's income, and therefore they're going to try to get that income in one way or another. So, using the MSRP, as Representative Tipping from Orono mentioned, was at least -- it was something that the basis was even, you could see an MSRP, and then basing a mill rate upon that value would give you something that you could measurably charge to each folks. Because the problem is is that in a system where you just have -- if you just do what this bill proposes... I'm going to pick on my poor wife now that she's left. She will never negotiate on a car price. She goes in the dealership and she loses every single time, despite my willingness to assist her with the negotiation of the price. She is automatically going to pay a higher excise tax than anybody else because she will not fight for her standards. So, unfortunately, the excise tax is bad. I lived in Pennsylvucky for five years, and I will tell you, those folks, you pay \$65 for your car regardless of what you're registering. They do it out of that little local tax form that you fill out that we don't fill out in Maine.

If we want to approach lowering taxes to our citizens, we've got to find a way to support our municipal budgets by either adjusting the mill rates on these MSRPs so that it's more standable, or else we have to find another way to do this. When you get a deal on an \$80,000 motorhome, it is a property value and that's what the excise tax looks at, and whether you got a great deal or not, the municipality is looking at it as a property tax. Again, I don't support that that's how it works, but this bill does not solve that problem, so, thank you, Madam Speaker.

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

Representative **TIPPING**: Thank you, Madam Speaker. Just in relation to one comment that was made; I can identify. I drive a 2003 vehicle. A 15-year-old vehicle is actually pretty familiar to me. This bill would actually not help those folks. This is only the first year. So, if you want to help the people

who buy the brand-new truck, you know, that's one thing -- in the Committee, we had actually extensive conversation on trying to lower the tail end, the mill rates on the tail end, to actually help the majority of Mainers who drive older vehicles, but that is not what this bill does.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, one of the testimonies we got in Tax Committee regarding this was from the municipality of Bangor. One of the items they did was they did a study. They reviewed 46 transactions with regard to the MSRP. And they found that only 17 had a price differential of 10% or more. Of those, they say, the differential only occurred for 12 customers because they had a trade-in credit. So, ignoring the trade-in, only five of the 49 paid less than 10% or more when compared to the MSRP. Of those five, two were vehicles that the dealership sold to themselves, one was a vehicle sold to the City of Bangor. So, only two regular customers negotiated a price 10% or more than the MSRP. Once again, ignoring the trade-in, of the other 41 transactions, 24, or 59% paid more than or within 1% of the MSRP. Thank you, Madam Speaker.

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

Representative **STEARNS**: Thank you, Madam Speaker. I have a question to pose through the Chair, if I might?

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

Representative **STEARNS**: And my question is -- and it -- to follow up on the good Representative from Auburn's point with the Bangor study, I'm wondering if the data exists where you could calculate the statewide percentage, the difference between MSRP and actual price paid for new vehicles, not including any trade-ins or anything like that; and perhaps we could reduce the excise tax on a statewide level based on that differential.

The **SPEAKER PRO TEM**: The Member has posed a question through the Chair for anyone that cares to answer. The Chair recognizes the Representative from Standish, Representative Ordway.

Representative **ORDWAY**: Thank you again, Madam Speaker. There is a way to tell the value of your brand-new used vehicle when you get to town hall. There is a book, industrywide: Kelley Blue Book. It tells the value of the actual value, what that car is worth. Everybody's car is worth the same in the book. That's the price you should be paying for tax; what the vehicle is worth.

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

ROLL CALL NO. 544

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Casas, Chace, Chapman, Collings, Cooper, Craig, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Gillway, Golden, Grant, Grohman, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Perry, Picchiotti, Pierce T, Reckitt, Riley, Rykerson, Schneck, Sheats, Skolfield, Spear, Stanley, Stearns, Stewart, Sylvester,

Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Cebra, Corey, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Guerin, Haggan, Hanington, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Stetkis, Strom, Sutton, Theriault, Timberlake, Tuell, Vachon, Wadsworth, Wallace, Ward, Winsor, Wood.

ABSENT - Campbell, Daughtry, Grignon, Hamann, Hanley, Parker, Sanborn, Sherman, Turner.

Yes, 86; No, 56; Absent, 9; Excused, 0.

86 having voted in the affirmative and 56 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Authorize Tribal Gaming"

(H.P. 838) (L.D. 1201)

Signed:

Senators:

MASON of Androscoggin
COLLINS of York

Representatives:

DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
SCHNECK of Bangor
WHITE of Washburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-697)** on same Bill.

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

LUCHINI of Ellsworth
CASÁS of Rockport
HICKMAN of Winthrop
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 629) (L.D. 1730) Bill "An Act To Remove Veterinarians from the Controlled Substances Prescription Monitoring Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-422)**

(H.P. 1282) (L.D. 1845) Bill "An Act To Provide Incentives To Attract Trained Firefighters to Maine and To Retain Trained Firefighters by Expanding the Provision of Live Fire Service Training" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-695)**

(H.P. 1284) (L.D. 1847) Bill "An Act To Amend the State's Electronic Waste Laws" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-696)**

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

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

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

ENACTORS

Resolves

Resolve, To Designate a Bridge in Gorham the Corporal Joshua P. Barron Memorial Bridge

(H.P. 1260) (L.D. 1818)

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

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

Representative **SHEATS**: Thank you, Madam Speaker. I look forward to the designation of the Corporal Joshua P. Barron Memorial Bridge, not just for the recognition it will bring to Joshua, but for all our fallen heroes. His father, Dean, founded the Maine Fallen Hero Foundation to recognize and support the families of our heroes statewide. The Foundation provides everything from social events to financial assistance to our Gold Star families. In honoring Joshua this way, we can honor and support all of our Gold Star families. Thank you.

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

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

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

UNFINISHED BUSINESS

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

Bill "An Act To Establish Universal Home Care for Seniors and Persons with Disabilities"

(I.B. 3) (L.D. 1864)

TABLED - March 15, 2018 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **REFERENCE.**

Representative ESPLING of New Gloucester moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **TAXATION.**

Representative GOLDEN of Lewiston **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **TAXATION.**

The SPEAKER PRO TEM: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just wanted to make an argument for why I think this item should be referred to Committee. I think it's very important that, as a matter of process here, that this item have a public hearing. My understanding is there is concern that this is identical to a measure that we have taken up before, but it is not. There are many changes to this, and I think it's important that these changes be reviewed by the members of the Taxation Committee, because of the huge tax implications this can have for the taxpayers of our state. I think this needs to be fully vetted. I understand the process for referendum questions, but I do think that it is important for us to be able to ask questions so that the public can have a clear understanding of what will be placed before them on the ballot. And so, that is why I do hope this body will vote to move this to Committee. Thank you.

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

Representative **PARRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Yes, I concur with my colleague from New Gloucester. This is a huge bill, over 300 million dollars of taxpayer money, and it's not going through Appropriations, so I think this is something that really needs to be vetted. I think there's probably constitutional issues that we've seen in several other bills that have come forward, and I think that needs to be all vetted out. Thank you.

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

Representative **WADSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. You know, I represent five towns that are situated right on the New Hampshire border. Just over that border in New Hampshire is zero income tax. My brother-in-law, who grew up in my district, went to Sacopee Valley High School, graduated from Maine Maritime Academy in 2008. You know, he makes a lot of money in the shipping industry, and guess which side of the border he lives on? One town over in New Hampshire. My cousin also graduated from Maine Maritime, grew up, went to Sacopee Valley High School. Guess which side of the border he lives on now? He resides just over the border in New Hampshire. He takes all of his tax money with him. Madam Speaker, this bill deserves a hearing. We need to ensure that this bill balances the tax impact on our citizens with its potential

benefits. I'm not too excited seeing any more of my successful constituents moving over the border and taking their tax money with them.

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

Representative **SIROCKI**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I live in Scarborough now, but I, too, grew up in poor rural Maine on the Maine/New Hampshire border, so I sympathize with the good Representative that just spoke. In Scarborough, we have a lot of business. We have a lot of small businesses. And this bill proposes a payroll tax increase. This is going to affect our small business owners with a tremendous tax increase, not only for the people that hit the threshold that's identified in the bill, but also for our business owners. They deserve to have the opportunity, the courtesy, of having a public hearing to express their views and be heard, and this is, at just the most basic level, something that we should strongly be supporting, is referencing this bill so it can have a public hearing. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. As the good Representative from New Gloucester indicated, there is some belief that there has been somewhat of a public hearing on a bill that was similar to; however, while maybe similar, it still is different. It has some different components. Also, the public hearing that happened on a similar bill, prior to, happened in the Health and Human Services Committee. The Health and Human Services Committee does not have the expertise nor the jurisdiction over taxes. This bill, as stated by the good Representative from Arundel, will raise taxes by 300 million dollars on the people of this state. Now, I could sit here and talk -- I could stand here and talk all day about the challenges that I see with what the bill seeks to do, with the creation of a board outside of state government to administer this topic, with the creation of the ability for that board to control the funding, the services rendered, the permissions for wait lists, of which we have tried desperately over the last eight years to reduce in this state, and reimbursement rates and wages. You know, this needs a more thorough public hearing. And, I just wanted to note as well that in the public hearing that a similar bill that has been referenced before had, there were three pieces of testimony on that. All three pieces of testimony were against the bill. Thank you.

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

Representative **AUSTIN**: Madam Speaker, Ladies and Gentlemen of the House, thank you. The one reason that I have heard repeatedly over the last few years, after session, for the flurry, I will call it, of referendums being passed from outside of the two bodies, is that the Legislature never acted. They didn't hear it, they didn't act. Well, I guess I'd have to ask you today, if we're not even getting this to a Committee, we aren't hearing this. And, for all the reasons that you have previously heard, unless it is vetted properly, I think it's very difficult for our public to understand the implications and certainly the strong impact, which 310 million dollars is certainly a strong impact to any economy and to our taxes. So, I believe firmly this deserves its day in court, and that's what we're here for; I thought that was part of our responsibility. So I would urge you to let this be assigned to a Committee. Thank you, Madam.

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

Representative **STETKIS**: Thank you, Madam Speaker. You know, it seems every day we hear from someone in this House about our youth leaving the state for better opportunities. I think there's no question that high taxes are a significant piece of that exodus. We'd be doing a grave disservice to all Maine taxpayers to not allow an opportunity to have all sides weigh in and participate in a public hearing on this bill. I've heard the number of 300 million dollars and, to myself, anyway, that's a significant piece of money. You know, unfortunately, in the past in these situations, without a public hearing, the special interest groups with the most money have a substantially larger voice at the ballot box and, quite honestly, they were not necessarily a hundred percent accurate with their information on what they were peddling. The citizens of Maine deserve nothing less than a fair, neutral, and factual fiscal analysis to base their vote on. We have a public hearing process for a reason. I think we need to pursue that, for sure, with this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in objection to the pending motion. This bill addresses long-term care for people living with disabilities and people over 65, no matter what their income level is, to be eligible through universal healthcare when they need assistance with activities for daily living. Maine has the oldest median age in the country, and we are living longer. This is costly care, and this is an issue that has been addressed at the national level. This is not an issue that is easy for a voter to understand at the ballot box. The issue needs to be assigned to a Legislative Committee. It needs a public hearing. It needs to be worked by the healthcare experts. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE**: Thank you, Madam Speaker. And I find us here, once again, in a situation where we have an 11-page bill that is so complex that most of us don't understand it until we reach a level of involvement with it that we realize the damage that we do to this state with these types of bills. We are arbitrary and we are capricious when we are putting a tax on a certain group of people, when we don't even realize what it is they're doing for the business state of Maine. I have personal colleagues from outside of this state that have continually asked me for the last 20 years, "Why are you guys like that?" And they're talking about us in Maine. Now, the point is that the business climate is already difficult, and the impressions that there's going to be uncertainty, and things like this that are going to pop up, is going to continue to push us to the back of the list. We cannot live on taking our own money from each other every day. We have a very strenuous black-market economy in this state. Once again, we are asking the citizens of Maine to vote on something that's 11 pages, with just a yes or a no. It is not the democratic process. People need to be educated; they need to hear both sides. Without a Committee representation, with everybody having the ability to stand up and talk about what the implications are, we have literally proven that, with out-of-state money, we can drive something through that somebody just has to put yes or no. I'm fed up with it, and please, I hope we do the right thing.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. We all represent 8,800 people, more or less, and I can tell you after visiting my district,

time and time again, people ask me, "Why do you not hold a public hearing? Why do you not get us more information, so that when we go to the polls we are better prepared?" So, today, Ladies and Gentlemen of the House, I felt it was very important to rise, make that statement, and I hope you will send this to the Taxation Committee. Thank you very much, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockport, Representative Casás.

Representative **CASÁS**: Thank you, Madam Speaker. I'll be voting in favor of sending this bill to Committee, but for reasons that are a bit different from some of the colleagues that have spoken before. To me, it's all about process. It's not about loving or hating this bill and all the different implications that come with it. It's about providing the citizenry with as much information as they can to make an educated decision, and I think that an informed citizenry is a good benchmark of the health of where we are as a society. So, I think that it's part of just the process, I think discussing these things openly and transparently do nothing but good things for the discussion that will go on between now and November. So, I have a little bit of a different take on why I would like to send this bill to Committee, but I think it's a good part of the process, and it allows both the opponents and the proponents to have their time to say what they love and/or hate about this bill. So, thank you, Madam Speaker.

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

Representative **SAMPSON**: Thank you, Madam Speaker, Women and Gentlemen of the House. We are elected to properly vet issues through a legislative process. With an issue which could profoundly impact the state, this needs a proper hearing. Thank you.

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

Representative **KINNEY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise and concur with our colleague from New Gloucester that this should receive a public hearing. It was just a year ago at this time, there was a possible tax increase in the winds, and House District 22 alone, I watched two different corporations pack up and leave, one headed to Michigan and one headed to Florida. The people who work at these places are still living in the district, but the people with the deep pockets and the finances left the state. Thank you.

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

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen. I concur with everything that's been said this morning, but mainly with what Representative Casás mentioned. We have a process. If we neglect to hold fast to that process, why are we here? Why is this elective body elected if we don't allow a process to be taken? And, you mark my word, Madam Speaker, Ladies and Gentlemen of the House, if this goes through, a 3.8% tax to local business -- I have two witnesses down here today that happen to be Vietnam vets, and they see the negative impact. If we let this go through, there's going to be more of an exodus in this state, and there's going to be unemployment, there's going to be school budgets that's not going to be funded; but I oppose this pending motion, and I honestly feel deep down that this has to go through the right process, and we've got to stand up for local business, and this will not be helping our local business. Thank you, Madam Speaker.

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

Representative **STEWART**: Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. It's come to my attention that this -- we have a proposal in front of us that, if passed, would in fact put us into the highest -- the number one spot, once again, in the country, in terms of our highest income tax bracket. Now, it's my recollection that a few months ago we, as a deliberative body, decided that that was a bad idea and a bad direction for the State of Maine. Now, maybe, maybe, maybe this is different. Maybe there's more information that we need. Maybe there are other unintended consequences of this bill, which, that term I hear pretty regularly in this building, but I think it particularly applies to the referendums, because they have not been vetted by anybody. They go out for the public to vote on, it could be a 30-page bill, there could be lines of text in the bill that are not necessarily conducive to what the bill is titled as, what it is aiming to accomplish. And, furthermore, Madam Speaker, I concur with a lot about the process; but the question in my mind is, why not? Why not send it to a Committee? Why not hear it here first, send it out, see what folks might have for input, engage, have more of the public engage. And so I'd like to pose that question through the Chair, because I have yet to hear a good answer to that question of why not send it to Committee?

The **SPEAKER PRO TEM**: The Member has posed a question through the Chair for anyone that cares to answer. The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in favor of the motion to refer this to the Tax Committee, and I have 310 million reasons why, and that's the amount of tax that we are talking about, a tax increase we are talking about putting on the state. And I rise also speaking for small businesses in my five towns in my district. They are being strangled right now. I've had some that already have closed their doors. This is a process that we need to do. We need to follow the process, we need to have a public hearing so everybody can weigh in on it, and then as a body, hopefully do the right thing for the people of Maine. We can't just let this go without having a public hearing. Thank you, Madam Speaker.

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

Representative **ORDWAY**: Thank you, Madam Speaker, my colleagues in the House. I rise to plead the case to send this to Committee. In my opinion, which I don't suppose counts for much except in my house, but -- this bill needs to be heard. It is our job, we are sent here to vet such tax increases, or even any bill. By just sending this along, in my, again, humble opinion, is bad governance. We're not doing the job we're sent here to do. There are going to be constitutional challenges to this bill. Why do we want to put the cart before the horse? Please, follow my light, send this to the Taxation Committee, let it properly be vetted. The people of Maine deserve no less.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative **PIERCE**: Madam Speaker, Ladies and Gentlemen of the House, I support this motion to refer this to Tax for a lot of the reasons that have been said, but what are our constituents going to think of us if we just do nothing with this and let it go to referendum? We are the Legislature. We legislate. We are supposed to take up these tough issues, and allow the citizens to have public hearings on this so they can voice their opinion, so they can be informed; not taking an 11-

page bill and put it out to referendum, with 13 or 14 words describing what it is, and saying yes or no. Are we legislators, or are we just going to let this go? It is about process. Please refer this to Tax.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, we're not here today to debate on the merits of this bill. I agree with my good friend, Representative Casás, that there is a process we must follow, and that process is that this bill should go to the Committee that has jurisdiction over taxation matters. That would be the Taxation Committee, Madam Speaker. We need to have a full public hearing so that we can have a good, vigorous debate here on the floor, but we need the information. We're not going to have any of the information we need without a public hearing. Thank you, Madam Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Norridgewock, Representative Farrin.

Representative **FARRIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It pains me a little bit to stand and say that I concur fully with the Marine from Rockport on this. It's not about the bill itself, it truly is about the process. In VLA, we talk a lot about transparency, and regardless of where you stand on this particular one, if you've already formed your opinion, folks, and Madam Speaker, I ask you to think about the amount of time that we have spent on ranked choice voting, on marijuana, on the 3%, on the minimum wage. I think this is the opportunity for us to do our job, have a public hearing on this particular bill; and speaking of ranked choice voting, I mean, the Secretary of State just put out a press release that it is in jeopardy for use in June in the primaries. Is that something that we could've avoided by having a public hearing and bringing some of the things forward before it goes to the voters? So, I would ask that you support referring this bill to Taxation and having it representing the people of the State of Maine. Thank you, Madam Speaker.

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

Representative **LOCKMAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, yes, we need a public hearing on this bill, so that Maine people will know exactly what they're voting on in November, when they have a ballot question in front of them that boils down a lengthy statute. And Maine people certainly aren't going to get that accurate information during another dishonest referendum campaign financed by dark money from out of state. And I should add that there is no risk to the supporters of this bill by sending it to the Committee. It's not going to get derailed or voted down, not a single word of it's going to be changed. It's going to go to the voters exactly as it was signed by the petitioners. So, again, there's no risk to having a public hearing, and I can't imagine why anybody would oppose one. But another reason we need a public hearing is to find out more about the waitlists that are proposed in this bill. We already have 1600 elderly and disabled Mainers languishing on the notorious Medicaid waitlists, and I guess they're going to have to wait some more, because this body has other priorities. So the least we can do is to have a public hearing before this goes on the ballot. Thank you, Madam Speaker.

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

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. I support the pending reference motion, because it would allow for public input at a

public hearing from people like those at Homecare and Hospice Alliance of Maine. They are aware of Maine being the oldest population in the nation. They share concerns that our elder adults not eligible for MaineCare are forced to spend down their life savings to qualify for home-based care, or are placed into nursing facilities often far from their families. Their goal has been to work with the Legislature to improve the delivery of home-based care and Maine Care across all levels of service, and money alone will not fix the issue. We need to address the shortage of homecare workers, both professional clinicians and direct care workers, by creating more and better pathways for a career in long-term care. They believe working through the legislative process will yield the best results for their patients. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair would like to remind -- there are 14 members in the queue. The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I guess my question is, I ask, what are we afraid of if we let this go to referendum? And to put this out, because it is going to referendum no matter what happens, but why wouldn't we want the public to get their day to testify either for or against? I'm not saying whether the bill is good or bad, but this is about the process and we've all heard about --

The SPEAKER PRO TEM: The member will defer. The House will be in order while the member is speaking. Please proceed.

Representative **TIMBERLAKE**: Thank you. And I would say that it's about the process, and the process says that every one of our bills goes to a Committee for a public hearing. If I would've been working on a referendum question, I would ask that it go to a -- to the Committee for a public hearing. It's the right thing to do. I even put a bill in this year or last year that all referendum questions would be mandatory to a public hearing. What are we scared of to let the people hear what the bill is about, whether it be good, whether it be bad, anything in between. It can't be changed. It's still going out. I think the only thing to do is to send it to Committee and let the public and the people hear what we're doing in Augusta. Thank you very much.

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

Representative **COREY**: Thank you, Madam Speaker. I request permission to pose a question through the Chair.

The SPEAKER PRO TEM: The Member may proceed.

Representative **COREY**: Great. Does anybody know what the impact on Maine's small businesses that file S corps will be, and wouldn't having a hearing be the best way to find out? Thank you.

The SPEAKER PRO TEM: Representative Corey has posed a question through the Chair to anyone that cares to answer. The Chair recognizes the Representative from Bridgton, Representative Ginzler.

Representative **GINZLER**: Thank you, Madam Speaker, and thank you to the body. I'm rising in support of the motion. Madam Speaker, the reason is that I think it is extremely important that we vet the consequences, intended or unintended, of an additional 3.8% tax on income and wages. My district -- my district includes Bridgton Hospital. Bridgton Hospital is part of Central Maine Health System, and in the -- two years ago we had a similar unvetted referendum question raising taxes by popular vote, and the impact on us in our lakes region and in central Maine was on the ability to attract doctors. As a matter of fact, just the fact that that referendum

question was on the ballot, we had a situation where two long-sought-after doctors withdrew --

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Newport, Representative Fredette, and inquires why the Member rises.

Representative **FREDETTE**: Thank you, Madam Speaker. It's been said in this body that we should respect one another in our debates and in our comments, and it should be even more so in regards to people being present when we're speaking on something so important. I question whether or not there is a quorum in the body, and ask for a roll call.

Representative **FREDETTE** of Newport inquired if a Quorum was present.

The SPEAKER PRO TEM: The Chair will determine that a quorum is present.

The Chair declared a quorum present by observation.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Please explain to me what the measurement is, and what the determination that the Speaker is using to measure that.

The SPEAKER PRO TEM: There is clearly more than 76 people in this room. The Representative from Bridgton, Representative Ginzler, please proceed.

Representative **GINZLER**: I'll just very quickly complete my sentence, which is that we had a situation just by virtue of the fact that that referendum question appeared, that we had two long-sought-after doctors from out of state withdraw their acceptance to come to the hospital, and we certainly needed them. Thank you.

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

Representative **VACHON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in favor of referring this to the Taxation Committee, and if that doesn't happen, I beg a question. Is this the way we want to pass legislation, by citizen referendum? And, if so, why are we here? Why don't we just circulate signatures and ask do you want to do away with the Legislature? And I think that each one of us would have to agree, I happen to think that each one of us serve here to do good, thoughtful work in areas where we have strong knowledge, so that we may help people, not hurt them. I believe that people elect each one of us knowing that we come here to serve, to do the hard Committee work, to dig down on the issues, to know what a bill proposes to do, to have a public hearing for a bill, to work the bill, carefully considering all of the unintended consequences, and then decide Ought to Pass or Ought Not to Pass.

The citizens of Maine elect us to do this because they don't have the knowledge, the interest, the time to actually read the bill in its entirety and then make an informed vote that is in the interest of all Mainers. This is dangerous. This is healthcare. Each and every one of us needs healthcare. Our healthcare system is not only broken, it is outrageously expensive, and our Affordable Care Act reforms are not improving health outcomes and are not affordable. The U.S. spends nearly 20% of its gross domestic product on healthcare. This is more than double any other developed country, and our health outcomes are at the bottom of the pile. We need healthcare reform. We need a team of third-party bipartisan experts to turn our healthcare system around. This will take time. This will require public hearings, testimonies, work sessions. This is complicated stuff. Healthcare laws should not be determined by citizen initiatives in the ballot box. People do not know what they are voting for. I know I will be spoken to by some who will

tell me that I have insulted their intelligence. So be it. I will say it again. People don't know what they are voting for. I happen to care about healthcare and, yes, I am a health insurance agent. Maine just passed Medicaid expansion at the ballot box, and I said then, people did not know what they voted for. Today I run into people who tell me that they voted for Medicaid expansion because they wanted Medicare for all. These same people tell me they oppose Maine applying for the 1115 waiver because they object to work requirements. I scratch my head and, yes, my hair is falling out, I rub my eyes with tears. This is so sad. Medicaid and Medicare are two different animals. To be eligible for Medicare you must work ten years. Since work is the requirement, why would you oppose 1115 waiver. And lest any of us not forget, we still haven't figured out how we're going to pay for Medicaid expansion. If nobody is required to work, how on earth are we going to be able to pay for universal long-term care? Universal homecare will pay for activities of daily living, otherwise known as long-term care. This is a huge challenge, indeed. Your regular health insurance plan doesn't cover this care, nor does Medicare. There is a reason. It is really expensive. So expensive, in fact, that the Deficit Reduction Act of 2006 passed, saying that when it comes to long-term care, states need to come up with a way to incentivize people to purchase long-term care policies, for if they don't, they will have to spend down all their assets to their last \$2,000 and only be eligible for \$40 per month in income. I haven't sold a long-term care policy for three years. It's because they are so expensive. In fact, insurance carriers who offered long-term care policies stopped offering them because they couldn't afford to. Their actuarials determined this. Nobody is buying these policies, not because our economy is not doing well. They aren't buying them because our bloated healthcare system costs are taking way too much of our paycheck. They are crowding out everything else.

Individuals in Maine making over 400 percent of federal poverty level have seen double digit premium increases for the last three years. They have assets to lose and they don't want to go into Medicaid spenddown. They are trapped. And in this whole healthcare debate, they are overlooked. A person my age in Cumberland County, making just \$49,000 a year, between premium and hitting maximum out of pocket in claims, is being asked to spend 31% of their total income on health insurance and healthcare. That is insane. And now we have this bill coming before voters, and I hope we get a public hearing, imposing a tax on wealthy to pay for long-term care needs of every senior over 65 in need of care and under 65 that is disabled. I don't see any means test. Who drafted this language? Maine hasn't figured out how to pay for Medicaid expansion, and now we're asking voters if they want to do this, too? According to a study of the U.S. Department of Health and Human Services, 70% of seniors over age 65 will require long-term care. If the intent is to provide this care for every senior, the tax being proposed is not enough to fund the cost of care, and if people continue to argue against a work requirement for Medicaid, I don't know who is left here earning money to be able to pay for everyone else. When Maine offers this to every senior, we will have an influx of seniors moving into this state. There are just a few -- these are just a few of the unintended consequences that I have thought about.

Please, Fellow Members of this Chamber, this bill needs to go to a committee. It needs a public hearing. It needs a work session. Sending this straight to voters is a huge mistake that will cost Maine greatly. If insurance actuarials can't figure out a way to afford long-term care, how on earth can we expect that

Maine voters can make a good decision? Thank you, Madam Speaker.

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

Representative **SUTTON**: Thank you, Madam Speaker, Men and Women of the House. Taxes matter. All taxes matter, and the Maine people deserve to understand the potential impact. I echo the sentiments of my fellow legislators and ask that this be sent to the Tax Committee for a public hearing. Thank you.

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

Representative **HARRINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House, or who's left. This is a \$300 million tax increase on hardworking Mainers. You know, I think we learned from the marijuana referendum what can come from terrible wording in these legislative pieces. You know, in that marijuana referendum, the people of Maine voted to allow children to use marijuana and, again, we had to fix it. So, what is wrong with sending this to a public hearing and giving the legislative process a chance to work out the bugs, and, again, this needs to go to Committee. Thank you.

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

Representative **DILLINGHAM**: Thank you, Madam Speaker and Members of the House. I rise in support of the pending motion in agreement with my Committee seatmate, the Representative from Rockport, that this needs and should be about the process. In the Veterans and Legal Affairs Committee over the past couple years, we've heard numerous times testimony citing the need for transparency, and I can see no better way for transparency than through our public hearing process. I ask that you support referencing this bill to the Taxation Committee.

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

Representative **HAGGAN**: Thank you, Madam Speaker. I also rise to send this to Committee. I live in a district with many successful businesses. The last time we had a significant tax hike, many people came to me, business leaders, and said they're going to have to find ways to eliminate staff or even move away. One multimillion dollar factory owner who has many employees had said that's it, I'm out of here. I'm an eighth-grade civics teacher. If this doesn't go to Committee, I'm going to have to tear chapter five out of my textbook, because in chapter five it says bills go to Committee. So, I would ask that this would go to Committee.

The SPEAKER PRO TEM: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would like to pose a question through the Chair, if I may.

The SPEAKER PRO TEM: The Member may proceed.

Representative **ESPLING**: My understanding is that at one point it was common practice for this body to send ballot questions to Committee for a public hearing, and my understanding has been that that practice has been sort of set aside in more recent years, and I'm wondering if anyone in this body knows of when we decided to do away with that practice; and might it be wise to start with this now, having this go to committee? Thank you.

The SPEAKER PRO TEM: The Representative from New Gloucester has posed a question through the Chair for anyone

that cares to answer. The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Madam Speaker Pro Tem. I think we need to keep -- go back to -- it's always I think important to go back to exactly what it is that we're -- the motion here today is about sending this to Committee. It's not about the pros and cons, it's not about how it will help a particular segment of our society, it's not about the negative impacts of what it will do to society. Today, the simple fact is, do we send it to Committee or not? It's not about a debate on the merits or the demerits, if you will, of the particular bill. And, while it's part of our process, it's not about -- that's not the decision today here. It's not whether it's a good thing or a bad thing. It's not about whether this is going out to public referendum, because it is, and no matter what the Committee, if it goes to Committee, and it goes through a hearing process, the language is not going to be changed, it's going to go forth as it currently is. So, it's not about taking it to Committee and, "fixing it," because that's not what the process is. So, the only question is: do we want to send it to Committee for a hearing, or not? Period. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Madam Speaker, Men and Women of the House. To me, the reality of this bill is it's not a 1.9% tax but a 3.8% tax, with the employer paying half of some sort of withholding mechanism. This will hurt Mainers and Maine's small businesses statewide. The circulators of this petition clearly misled the people who signed it. They claimed it would be a \$127 million tax increase, when truthfully, it's three times that, somewhere in the ballpark of \$310 million. I remind the body that the State of Maine continues to be one of the highest-taxed states in our nation. At the very least, this bill should be sent to Committee for a proper vetting process, with the public weighing in. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I support this and I also want to say that I agree completely with the Good Representative from Dover-Foxcroft, Representative Higgins. What we need to do is to follow process here in this chamber. You know, this is a republic. We voted years ago to make this a republic. It's not a pure democracy. There may come a time, technology may allow it to happen, when some of the younger people in this chamber today may be able to sit home on some kind of electronic device, and we could do away with this entire body, we could shut this body down, we can turn it into a museum; and maybe once a year, for a day or a part of a day, everyone can get on their electronic devices and go through the list of articles like a regular town meeting warrant, and press buttons whether they vote yes or no on each and every one of them. I hope that day never occurs, but that's the only way we can turn into a true democracy. We don't have a true democracy. We have a process that's called a republic, and we need to follow that process, and we need to do it today. Thank you, ladies and gentlemen.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

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

The SPEAKER PRO TEM: The Member may proceed.

Representative **SANDERSON**: Thank you. This may be the only public debate that this bill gets, covering only if it should be referenced to a Committee hearing or not, but

certainly not getting into the meat or the weeds of this legislative package. The Representative from Presque Isle posed a question through the Chair earlier. He asked why not, and there was no answer. I would like to invite someone who may be contemplating voting not to send this to Committee for a hearing to actually answer the question, because I think the public deserves to know.

The SPEAKER PRO TEM: The Member has posed a question through the Chair for anyone that cares to answer. The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker Pro Tem and Ladies and Gentlemen of the House. I'm actually glad that this has been brought forth by the people, because it's about time that we understood -- those proposing the cradle-to-grave welfare state understand and define what rich is. For years, we've been told the 1% and the rich were going to have to pay for this. And then we look at the number, and people all over our state are saying wow, I didn't realize how wealthy I'd become. Shouldn't those affected with their newfound wealth be given a chance to weigh in? We give criminals trials before we sentence them. Why can't we give law-abiding taxpayers a right to a hearing before their pockets are picked?

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

Representative **BRADSTREET**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise today in support of the pending motion. As I've been listening to the conversations and the testimony that has been given here today, I realize there's a lot of unanswered questions that this bill poses. What is the real cost of it? What are the effects going to be on small businesses? What are the effects of the people who live near New Hampshire going to suffer? We've heard there's been testimony against a previous but similar bill; what are some of the unintended consequences? The only way we can hope to get to those answers is to have a public hearing. In a situation like this, there's no way we can get too much information. This is a situation that virtually begs for a public hearing. Thank you.

The SPEAKER PRO TEM: The Chair will remind members to please take conversations out into the hall. Some members are having trouble hearing. The Chair recognizes the Representative from Brewer, Representative Craig.

Representative **CRAIG**: Thank you, Madam Speaker. You know, I represent Brewer, District 128, I'm very proud of that. And, if you take a chair in this room, you represent people as well, and this is about a process, and part of that process is to do your job. This needs to go to Committee. Thank you.

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

Representative **TUELL**: Thank you, Madam Speaker. A lot of people said a lot of things today, but one that really stood out for me was my friend from Rockport, and what he had to say about having a public hearing and why he was going to support it. And I got to say I agree with that, with his -- with that belief.

You know, we've had other bills come before us that need to have a public hearing. I haven't -- honestly, we had one this morning that I'm not overly wild and crazy over, earlier in the day, didn't really like it, but you know, I felt it should've had a public hearing, and I believe this one should too. Whether you like it or you don't like it, we should have that, and I say that as one who sometimes likes to be over there, and one that likes to be over here, and you never know where I'm going to be. I say

it that way. But, you know, this is the fair, honest, independent-minded thing to do, regardless of what side of the aisle you're on and regardless of what you may think of it. Honestly, you know, if you're for this, use it as an advantage to educate the people in support of why you feel the way you do. Get mileage out of it, so to speak. Same for those who are opposed to it. This is an opportunity to educate and enlighten our public. I used to be in the news media. I understand how the public process goes and, you know, sometimes you take what people have to say and you put it in print, and then let people form their own opinion. I think this is just an extension of that, and that's why I'm going to vote for this motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Madam Speaker. I also rise to say that I do agree wholeheartedly with the good Representative from Dover-Foxcroft, Representative Higgins. I think we've heard a lot about the bill itself this morning, but this is about process, and I think part of having all these issues brought up just begs the question, you know, does this have merit? Shouldn't we have as many people weigh in on it as possible, in a transparent, public manner, give the experts a chance to weigh in, give government departments that will be impacted by this a chance to weigh in? I don't know if anything that's been said here this morning is true. I don't know if any of it has merit, because we haven't had a chance to discuss this in a public hearing, in the way that it should be discussed, and I think that's important. Please support this motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Thank you very much, Madam Speaker, colleagues of the House. I've been listening for some time here and I just have to remind my colleagues that this is a bill that was initiated by public referendum. We really have three choices with that bill. We can reject the bill wholeheartedly before we even talk about it, and there it goes out to the people for a vote. We can have a public hearing, we can learn about the bill, then we can make a couple of decisions. We can enact the bill, we could -- as written. We could put out a competing measure. We could look at the bill, and if it has merit or parts of it have merit, we could put that together, put it in bill form and send it out to the voters to compete with the initiated referendum; or we could reject the bill immediately at that point. I don't know what's right in this particular bill. I mean, I know what I've heard about the bill, I haven't read it. What I've heard about it scares me, but that's beside the point and this -- at this time, I really do think that we ought to sit down as a Committee, have some experts look at this thing and make a decision. We have not used a tool of the competing measure, to my knowledge, since we had a forestry bill back in maybe the 118th or 19th. So, maybe -- and I thought at that time it's a good tool, it helps us maybe correct some drafting errors or some mistakes that were put into the bills, and maybe we wouldn't get a bill passed that was so horrible that we spend -- like this marijuana bill. I mean, we've had I don't know how many people in that Committee, but we have a lot of people that have been working a lot of hours on it, and we still haven't got a bill yet before us to vote on. Thank you.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I believe also that, like

everybody else that's stood and spoke, that this bill does need to be referenced to the Tax Committee. To not do so is a disservice to the citizens of this state. To do so preserves the integrity of this body.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hollis, Representative Mearan.

Representative **MAREAN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I've been fortunate enough to serve three-quarters of a century on the right side of the earth, and I've lived all of my life here in Maine; and I've faced all challenges on a very simple basis of transparency and common sense. I believe that the best way to deal with this issue is exactly that. It's very simple, and it's a common sense solution, and it's the most transparent thing to do, and that's to send this bill to a public hearing. Thank you.

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

Representative **WHITE**: Thank you, Madam Speaker. I just rise to remind the House that last year we referenced the casino referendum to the Committee for the same process. I mean, this is the same thing, we're referencing a referendum to the Committee so we can have the opportunity to have public input and discover some important information around the bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wilton, Representative Black.

Representative **BLACK**: Thank you, Madam Speaker, Men and Women of the House. I wasn't going to rise and speak on this today, but I do rise and ask you to support the pending motion and send it to Committee. I think it needs to have a fair process. I think that the people in our districts and across the State of Maine need to know what they'll be voting on this fall, and they need to have the public hearing to get that information. Thank you, Madam Speaker.

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

Representative **HANLEY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The question about sending this to a Committee, the answer to it is yes. You can either do it now, or you will have to do it later, because of the unintended consequences we will have to deal with in a future session. There is no way you can get around that. Let's do the sensible thing and have a good look at this now. Thank you, Madam Speaker.

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

Representative **REED**: I've been waiting patiently, and I'd like to thank everybody here who's been waiting patiently, too, including you, Madam Speaker.

I rise to concur that this bill should go before the Taxation Committee and should be vetted properly. For 47 years of teaching school, I told the kids in my classes that everything went before a Committee and people had it where the hearings can be held and the people had their voices heard. So, if this is the process, this is what we should follow.

I am not opposed to helping seniors. I am one. I'm not opposed to helping those with serious disabilities, either. We have them on waitlists that I've heard about since I came here in 2012, and shame on us for not taking care of them, getting them off the waitlist. This is nothing more than another attempt by the Maine People's Alliance and their desire to redistribute the wealth in our state. Does anyone besides me believe that the Maine People's Alliance is now not attempting to push its own agenda upon this state by circumnavigating around the duly elected officials by the referendum process? When the

Citizens' Initiative was instituted sometime around the 1900s, I think maybe it was 1908, it was to be a grassroots movement for the people of Maine to enact legislation or let their legislators know their feelings on certain issues. And up until modern times, it had been used very sparingly. Since then, the Citizens' Initiative has been taken over by the Maine People's Alliance, the labor unions, the National Humane Society, George Soros, Mayor Bloomberg, and many others. I thought that we were opposed to big money deciding elections in our state. Wasn't that the purpose behind our clean elections? The people of Maine --

The SPEAKER PRO TEM: The Member will defer. Thank you. The Member will defer as well. The Chair recognizes the Representative from Kittery, Representative Rykerson, and ask why the Member rises.

Representative **RYKERSON**: I believe the motion is whether to refer to Tax Committee.

On **POINT OF ORDER**, Representative RYKERSON of Kittery asked the Chair if the remarks of Representative REED of Carmel were germane to the pending question.

The SPEAKER PRO TEM: There's been a lot of latitude in this conversation, and I ask that we continue to remain respectful of each other in this chamber. There has actually been a lot of comments made about that recently, and I would ask that everyone please abide by that very basic principle that we were all elected to fulfill.

The Chair reminded all Representatives to follow appropriate decorum in debate.

The SPEAKER PRO TEM: The Representative from Carmel, Representative Reed, may proceed.

Representative **REED**: The people of Maine had no idea that one day organizations would pay someone to sit on the street corner, overwhelmingly in one part of the state, and gather signatures at five, ten, or 15 dollars a clip. But this is what is happening, and we should be doing something about it. Some of us have tried to slow this process somewhat and make it more equitable, by requiring that the signatures at least be equally gathered throughout the state. But this idea had been thwarted at every turn, and we have been labeled as those who want to silence voters.

The Maine People's Alliance does not speak for me. I have no right to share in the wealth accrued by others without their consent. This is unadulterated socialism in the purest sense. It is a page out of some manifesto to create class warfare in this state, by causing more division between the wealthy and the poor. It is my understanding that this tax will raise more than 300 million dollars the first year alone, and more than 330 million dollars the second year, for a grand total of more than 630 million dollars over the biennium. This is a major tax increase on a segment of the Maine population, no matter how you look at it. This is a tax, once again, placed upon those who've worked hard to realize the American dream, and to ensure themselves of a decent income for their families. In my opinion, this is even worse than the 3% tax upon families making more than \$200,000 a year, which created great discord in this House. We spent the entire year last year fighting over five referendum questions. How can anyone feel good about selecting out a certain group in our state, that makes more money than we do, and just up and lay a tax on them? Sorry, I can't get there from here. I hope you'll give strong consideration of sending this bill to the Tax Committee where it could be vetted properly. Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House.

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

Representative **WALLACE**: Thank you, Madam Speaker. I don't often stand up. I like to listen to what's going on and make my mind up. You know, I'm kind of disappointed. All I've heard is this side of the aisle speak today. Nothing from the other side. I would like to hear at least one person to stand up and tell me why this cannot go to Committee, if there's anybody over there who knows why it can't. I don't know, maybe -- maybe they don't know. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Mason.

Representative **MASON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I support the pending motion. This bill, I believe, needs clarity, and we need to know everything that's in it, and I just think it's the right thing to do. Thank you, Madam Speaker.

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

Representative **STEWART**: Thank you very much, Madam Speaker, and Ladies and Gentlemen of the House. As I was listening to the discussion, I thought that a good point was made by one of our colleagues here, who's got a bit more institutional knowledge than me, and unfortunately is not here to -- so I won't talk about him anymore; but in regards to the competing measure that exists within the process, and what that means is that there's the potential that through the process, the legislative process, as it relates to referendums, that there could be a different avenue for the same measure, but in a better and/or more effective way. And, to me, that's a compelling argument to at least let it go through the process. Now, it may come out that this isn't the case, there may not be the need for a competing measure, but if there is, I think it's incumbent upon us to at least explore that. So that's the bare bones truth behind it, that -- and it could be on either side, you know, my colleagues on the other side of the aisle could find a more compelling measure that they would like to put on the ballot, as well; colleagues on our side of the aisle might. But, I think to skirt around that is only doing a disservice in this instance. Thank you very much.

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

Representative **MARTIN**: Thank you, Madam Speaker. To some degree, Members of the House, there appears to be two sides to the question and depending what day you're on. And people seem to have short memories. Because if people remember those that we have killed without going to Committee: rank voting, marijuana, minimum wage, the 3% education tax; and so the question before us is whether this should go to Committee.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Amherst and asks why the Member rises.

Representative **LOCKMAN**: Madam Speaker, I wish you would encourage members to address the Chair and not across the aisle. Thank you.

On **POINT OF ORDER**, Representative LOCKMAN of Amherst asked the Chair to remind MARTIN of Eagle Lake to address the Speaker and not turn to the rest of the House.

The SPEAKER PRO TEM: The Chair will remind all Members to address their comments through the Chair.

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

The SPEAKER PRO TEM: Representative Martin may proceed.

Representative **MARTIN**: Thank you, Madam Speaker. I was addressing the Chair even though my views may have been looking somewhere else. I will repeat what I said. 3%

education tax, we killed. It didn't go to Committee. Marijuana, didn't go to Committee. Rank voting, didn't go to Committee. Background checks did not go to Committee. The only one that I can remember that went to Committee was the casino for York County. Otherwise than that, they were indefinitely postponed by this body.

I understand the politics of why some people would like to say we need to get this there. I do not support the present referendum question that's before us now. I will oppose it when we go to the polls. But let's not confuse the two, and don't try to say that this one is different, and therefore should have a public hearing, while the others did not. You can vote either way you want to on that question, but don't confuse the facts, because that's exactly what some of you are doing, and we are all doing that right now. And so I would hope that we can proceed, when we have wasted now one hour of our time. We all know that whether it goes to the Committee or doesn't go to Committee, those who have spoken today would be opposing it. I also will be opposing it in public. But let's be honest about the motives of where we are today.

The SPEAKER PRO TEM: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Madam Speaker. I do think it's helpful if we do not question motives or speak about motives in this body in the matter of debate. Thank you.

The SPEAKER PRO TEM: The Chair would remind Members to limit debate to the question that is before us.

The Chair reminded all Representatives to confine their debate to the question before the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I think the Good Representative from Eagle Lake, Representative Martin, brings a very valid point before us. Maybe if some of the other referendum questions would've gone to the ballot box, we wouldn't have been in the predicament we've been in in the last two years, of working around ways with the marijuana bill, working with the 3% bill, and about every other referendum question that we're still tinkering with today. I think the one bill that did -- the one referendum that did go to Committee, when the public got all the information, voted it down. So, I think if there was anything today and any compelling speech made on the floor of the House, it was by Representative Martin of Eagle Lake, of why this should go to Committee, because I think it shows the true process that has to happen for all bills. So, please follow my light, and thank you Representative Martin.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Commit the Bill and all accompanying papers to the Committee on Taxation. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 545

YEA - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrema, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Pierce T, Reckitt, Riley, Rykerson, Schneck, Sheats, Spear, Stanley, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Battle, Daughtry, Grignon, Hamann, Perry, Sanborn, Sherman, Sylvester.

Yes, 71; No, 72; Absent, 8; Excused, 0.

71 having voted in the affirmative and 72 voted in the negative, with 8 being absent, and accordingly the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **TAXATION FAILED**.

Subsequently, Representative **GOLDEN** of Lewiston moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: If you could just repeat what - so, what did he ask for?

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Golden, has moved that this item and all its accompanying papers be Indefinitely Postponed.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 546

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrema, McCreight, McLean, Melaragno, Monaghan, Moonen, O'Neil, Parker, Pierce T, Reckitt, Riley, Rykerson, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Battle, Daughtry, Grignon, Hamann, Herrick, Nadeau, Perry, Sanborn, Sherman.

Yes, 72; No, 70; Absent, 9; Excused, 0.

72 having voted in the affirmative and 70 voted in the negative, with 9 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-688)** - Minority (5) **Ought Not to Pass** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Align the Criteria Used by the Maine Public Employees Retirement System in Determining Veterans' Disability Claims with the Criteria Used by the United States Department of Veterans Affairs"

(H.P. 365) (L.D. 521)

TABLED - March 28, 2018 (Till Later Today) by Representative GATTINE of Westbrook.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Madam Speaker, I stand in opposition to the current motion, and would like to speak briefly to my motion.

You know, we've all had constituents -- well, let me give a background for those who don't understand it. This proposal would allow people to receive -- would allow qualified veterans who have received a determination by the veterans service that they are a hundred percent disabled and retired to -- who are also state employees, and are qualified to apply for state retirement, disability retirement plan, to have the determination made by the Veterans Administration supplant or take the place of a determination made by using the current scheme that's been outlined in the statutes of the State of Maine. In other words, it would avoid having to file for benefits through two organizations.

You know, we've all had constituents or loved ones who had a debilitating condition and who apply for disability retirement, either through Social Security Disability, Workers' Compensation, the Veterans Administration, or, in our case, MainePERS, the administrator for our public retirement system. In my observation, this always involves a rather demeaning and emotional experience for those people involved. This bill proposes to substitute the process used today by the MainePERS, to replace the program for its members who are veterans and who qualify for VA disability retirement program. I think that is not a good idea. I have personally been involved with the VA since the early 70s. It has been my experience that the rules and processes and benefits used by the VA evolve over time. And why would they not do that? Veterans' needs change, politics change. So, today, while the proponents of this bill tell us that the process used by both the VA and the state systems are in alignment, that will change. So, that would really mean that the folks who administer our program have to continually check and verify that their system of determining when somebody is fully disabled, and the Veterans system, continue to be changed. So the VA changes something, we'd have to come back here and change our law to put it into alignment. It seems to me that's unworkable, and not necessarily the way we want to administer our own program.

My other observation is the major reason folks who are applying for disability retirement is stress, and the stress is -- this is regardless of what program they're applying for. And usually they've reached a point where they're under substantial financial pressure. Because of their disability, they've missed work. We have or will have -- we'll have the ability to remove some of this stress by supporting a bill that Representative Foley has sponsored, and I think it's gone through here, it's LD 176. This will make a temporary disability policy available to all our employees, and everybody should understand that currently the State of Maine employees don't have a temporary disability process. In other words, to get a benefit, you have to be 100% disabled and unable to perform the job that you're in. And that's an uncomfortable position to be in. But I do think it's simply bad public policy to create two separate evaluation systems to determine eligibility for a program, particularly when one of the programs does not control the benefit and the process of the other program. I think that the determination will help inform our system of their work. In other words, if somebody goes to the VA, is determined to qualify for their program, that paperwork, that process can be used by our system to inform it, but I don't think we should be mandated to accept that determination. I thank you, and I ask you to vote against the current motion.

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

Representative **GOLDEN**: Thank you, Madam Speaker. I just wanted to take a minute to speak about this bill, and I do want to thank the sponsor, Representative Berry.

So, not too long ago, I worked on some legislation to establish a rebuttable presumption for first responders, and at the time, a lot of the testimony that we received from people talked about how when you have an at-risk population, a population that's at risk of a posttraumatic stress diagnosis, there's a good reason to go ahead and establish a rebuttable presumption that it's related to the work that they do. And one reason why I think this is particularly important for first responders, or for veterans, is because these also tend to be a population of people that are pretty tough, resilient, and proud, and often don't want to come forward and have these types of discussions in front of boards unnecessarily, or revisit tough issues.

Not too long ago, I met a photographer who came up to me and wanted to thank the Legislature for passing a rebuttable presumption for first responders, because he had actually been diagnosed with posttraumatic stress and had to fight for many, many months before he was able to get the benefits that were there to help him, and ultimately walked away from the job. He's now a freelance photographer. He said, "I want to thank you, I want to thank the Legislature for passing this, because I don't want any of my brothers or sisters to ever have to go through what I went through."

I think when we look at the story that helped lead to this bill, we see something very similar; an individual that had to go through incredible hardship in order to get the benefits that were coming his way. And one of the reasons why he was originally denied by MainePERS is they said that he was able to work, and I think that just comes from a general misunderstanding of the veterans population and what posttraumatic stress is. I think veterans are highly trained in containing their emotions, putting one foot forward and just plugging ahead. Often, it kind of hides what might be going on on the inside. And so when I think about this bill, what seems most obvious to me is that the veterans DVA disability claims specialists know the veterans population, they know

posttraumatic stress very, very well. They know what to look for, and I think they know what identifiers to keep their eyes out for, in a way that a state employee would not be a specialist in. So I think that this is a good change for our veterans in this state. If the VA has found that they have posttraumatic stress, then I think it would be quite all right, and wise, in fact, to have our state employees follow the findings of the Department of Veterans' Affairs. Thank you very much.

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

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

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House. It is fitting, I think, that we are taking this up, although late in the day, on a day in which we honored veterans, and many of us just attended a very moving ceremony in honor of Vietnam veterans. That conflict, I think, helped to bring attention to PTSD, and we understand it better thanks to their experiences and their willingness to speak out on what is a very difficult subject to speak about.

Someday, Madam Speaker, when this bill passes, and I'm confident that it will someday, whether it's this year or next, or the one after, I believe it will be referred to as Scott's Law. And that is because of Scott Couture, whose case made many headlines and sparked great outrage across the state, because of his denial, and repeated denials, and the necessity of legal appeals and great psychological stress for him and his family over the course of two years, after which he finally prevailed. But, really, it should also be called Darcy's Law, because it was his wife -- and now they are separated, his ex-wife -- who has, even after winning their case, has persisted, and with nothing at stake for herself, nothing at stake for her family -- she lost her family, she lost her house -- but with nothing at stake, she is willing to attend hearings, to attend work sessions, to write letters to the editor, and she's doing that right now. She has been tireless, because she wants to make sure that no family has to go through, Madam Speaker, what she and her family had to go through.

I'm going to read a very brief letter to us from her. "It's hard for most people to give any thought now to combat veterans, with fresh violence making the news every week. But for me and my children, we remember every day. Scott earned a Bronze Star serving his country for two years in Iraq, and served his state and local fishing community as a Maine Marine Patrol Officer for over 15 years. When the PTSD demons finally overtook him, crippling our family's world, we faced a new battle with the VA system and the state retirement system, to get him the mental and financial help he needed. Although Scott finally received the benefits that he earned" -- he did receive them -- "the cost was tremendous. Two years of battling the Maine retirement system drained all our family resources. By the time the dust settled and Scott won his appeal, we had sold our family home, filed for separation, and Scott was a broken shell of a man. I was so horrified by the multiple denials and appeals, a medical board panel, void of any actual experience handling combat-related PTSD, and courtroom-like examinations that forced Scott to recount every detail of his trauma in Iraq, which had already been done by the VA, then be accused of, 'malingering and faking his PTSD,' that I worked to try to change the law so that it would never happen to another family." And she goes on, and you can read

more about Darcy and Scott and their family's unnecessary, avoidable experiences on the *Bangor Daily News*, on the piece that the WABI has done, and on coverage which I'm sure will continue as this bill and bills like it in the future, if necessary, unfold. But, really, we can avoid that. Because, Madam Speaker, this bill will have no cost to the state if it passes. Zero. The Maine retirement system has agreed that it will avoid costs, and that any additional cost will be offset. No fiscal note.

Madam Speaker, this bill will avoid immense cost to veterans and their families who have serviced their state and their nation. Without costing the state a penny, it will avoid the two, three, or four years of trauma and shame and denial that our policies put Scott, his family, and others through. The retirement system has stated that a handful of cases like this happen every year, something less than ten; avoidable cases. Without costing the state a penny, it will avoid tens of thousands of dollars in legal fees, denied benefits that our policies cost these veterans, their families, and the state itself.

Madam Speaker, each of us here is a member of the state retirement system, and during those years in which we are a member of the retirement system, we forego Social Security. We forego other benefits that we might otherwise qualify for. We pay into the retirement system from our paychecks. Scott did that. Others who suffered this, and you may hear of others today, pay into the retirement system. These are benefits that are due to them and which they have ultimately received. But simply by confirming -- excuse me, conforming with the federal determinations, with a rebuttable presumption that the retirement system, in any of its two-year reviews, can overturn with new evidence, we can help them without cost. And I think, Madam Speaker, there has been a little bit of confusion. The conformity with the federal determinations by the VA, which are expert, which do understand PTSD, are the determinations that would be used if they are found -- only if they are found to be unemployable. The state actually finds them to be unemployable first, because it lays them off, it says you can no longer work for us. They go to the VA, they agree with the state that they're unemployable, and then it comes back to the retirement system, and by our laws they have to go through the whole rigmarole all over again. That's the step that we eliminate, that last step, that additional unnecessary step. And that's why there is no fiscal cost here, because you avoid that unnecessary, final, painful step. Madam Speaker, Men and Women of the House, I urge you to support Scott's Law, to support Maine disabled veterans, to support this no-cost compromise to reduce unnecessary stress, red tape, and the legal fees, and to support the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I will be very brief. I rise simply to speak in support of the motion before us on the floor. I speak because I know from firsthand experience in my family how important these benefits for veterans are. A long time ago, I had a brother who returned from active service in the Pacific Theatre during the Second World War. He was at Iwo Jima and some of the other battles in the Second World War. He never recovered from all of that. We didn't know about or have any benefits for PTSD in those days, but I know what happens when a person doesn't have the aid they need to cope with these things. More to the point, I have a son who served 30 years of active duty in the Army. He holds two Bronze Stars, one of them with the V device, as they call it, for heroism in combat, where he was engaged in a particularly

nasty firefight in the streets of Baghdad, successfully able to rescue a number of MPs who were pinned down by enemy fire. Yes, he's one of those veterans who can work, but he has, I believe it's 56% and maybe a little higher than that, the exact number, he has 56% PTSD disability, and we know firsthand what it's like for him to cope with that. I don't have to repeat all of the comments that Representatives Golden and Berry have made, but I do know, and I'd like you to keep in mind, how important these benefits are, how often our veterans have problems getting the paperwork done, how many barriers they have to meet, how many times it's not complete, it's not approved. The process is long and drawn-out sometimes, for people who least need to have that process. So, I hope you will, as we often say in this chamber, follow my light, and vote in favor of the pending motion. Thank you.

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

Representative **MARTIN**: Thank you, Madam Speaker, Members of the House. Very quickly and to the point, initially the state retirement system opposed the legislation. We worked with the retirement system, and they now support the pending legislation before you.

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

Representative **SHEATS**: Thank you, Madam Speaker. Today we celebrate Vietnam Veterans Day. It's an opportunity to provide a welcome home to veterans who justifiably believe they were denied it when they returned from Vietnam. We've learned many lessons since then about the treatment of our veterans, especially here in Maine, where we have the beautiful Flag Ladies who greet flights of returning service members. We do not tax the military retirement pay of those fortunate enough to stay to retirement. And Mainers are quick to recognize a veteran's license plate and thank the driver for their service or, like happens to me too often when I get out of my car, they thank the female driver for her husband's service, forgetting that some of us females are veterans, too. Thank you to the Representative from Biddeford who pointed that out earlier.

So, we are not perfect in our efforts to honor our veterans. We especially struggle with what we can't see. I was surprised while at an event when someone thanked a veteran near me, and the veteran got angry and said, "Don't thank me, you don't know what I did in the war." Most of us don't know, and don't want to know, what our service members actually had to endure, or worse, had to perform on our behalf. And many of them don't want to think about it and don't want to talk about it, and they shouldn't have to talk about it over and over and over again unnecessarily. And that is why I rise in support of this bill.

The VA does not give out any diagnosis lightly, and often service members do not seek the diagnosis. In fact, they generally hide their injuries, both mental and physical. Members of the Appropriations Committee got to hear a few of those stories that Representative Berry mentioned. They heard stories of service members being denied MainePERS disability benefits despite a diagnosis from doctors within the Veterans Administration healthcare system; denials that were eventually overturned on appeal, another cost and delay. The Committee heard about delays which cause such financial problems that they cause veterans to lose their homes; delays which have caused such personal stresses that at least one family member -- veteran lost his family. We are talking about diagnoses on service-related conditions from the Veterans Administration doctors, who are much more equipped to

identify, diagnose, and treat conditions related to military service, including Agent Orange Disease, Gulf War Syndrome, and PTSD.

Others have spoken on the specifics of the bill, the savings in time and money, reducing the need for duplicate testing, administration and legal fees. I am speaking to the importance of the bill. We are talking about people who have served their country and then chosen to come home and serve our state. Our MainePERS system needs to acknowledge their service without adding unnecessarily duplicative, and possibly disruptive, burdens on these veterans. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Thank you very much, Madam Speaker, I just want to stand for a second and let people know that all of the worry about getting the VA veterans does not -- during that period of time, the two years or so that it takes to get the Veterans Administration to approve their claim then it's going to continue. What we're really talking about is a state benefit following a determination on the part of the VA. Now, you certainly could apply immediately for the state benefit and perhaps get that quicker, perhaps not. Frankly, every -- you know, I've been around this world for a while, and I've been involved with appeals at the Veterans Administration and applying for benefits and all that, and I could just tell you that I found them to be fair, but slow and thoughtful. I've had constituents who've had trouble with applying for Social Security benefits. Sometimes they get denied two, three times. They hire lawyers. It's not a pleasant process. But what we're talking about is once somebody goes through the two years of -- or whatever it is to get the federal designation, then they want to automatically come back and get the Maine designation. I don't know what the federal criteria will be. I don't know, in five years from now, what the State of Maine retirement conditions will be, or the particular process of either one. I think that all of our other 40,000 or so state employees deserve to have the same benefits, the same process as a veteran. You know, we're just citizens like everybody else. We may have gone in the service. Some of us were drafted and some of us volunteered but, doggonit, it is -- I don't want to be treated any differently because I was a veteran, nor do I think we should necessarily be treated any differently, any of us.

We -- if we earned a benefit and we go through the process of being awarded 100% disabled as a result of our service, then we deserve that benefit. And, frankly, it's much more generous than the benefit that will be issued by the State of Maine as a disabled retired employee. What the problem is, and I hear and hear again about the time that it takes, is during that period of time they're not making any money. They need a temporary disability policy, and that is in place now. But you should not necessarily think that because you're a veteran you have a different process. I think that every person, every employee of the State of Maine should expect respectful, open, and honest evaluation of their case. If they're not happy with the results, they can appeal it, as you can in any disability determination by any insurance company or employer or public or private benefit. I thank you, Madam Speaker.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, I just want to quickly clarify that there -- the stories that you've heard about, and I mentioned one, there are plenty of others, the proceedings of appeals and denials and finally winning the appeals but at a great cost psychologically

and financially, those are not proceedings with the VA. The VA does have experts who understand PTSD. It's the retirement system that's at stake here, and that's where the problem has been. If there are other state employees who are determined disabled by competent authorities, I think it's certainly worth considering a rebuttable presumption for them. But, Madam Speaker, I don't know of any, and so that's why we're only seeking conformity for these individuals who have paid into the system and do deserve those benefits, and ultimately get them, but at great cost to us and to them. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norridgewock, Representative Farrin.

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

The SPEAKER PRO TEM: The Member may proceed.

Representative **FARRIN**: My understanding is that this is to allow the Maine State to recognize the VA disability. In the event that the VA denies a veteran from disabilities, does that automatically mean that they do not qualify for a state disability? And I just hate to see that the veterans are being put into a bad situation that way, so just -- if anyone can answer that, please?

The SPEAKER PRO TEM: The Representative from Norridgewock has posed a question through the Chair for anyone that cares to answer. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. The answer to that question would be no.

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

Representative **SHEATS**: Thank you, Madam Speaker. I would like to answer that question. There is a totally different set of criteria for the Veterans Administration. It would have to be a service-related disability. So, if a service member were diagnosed with something and they were turned down, and it wasn't service-related, it would have nothing to do with their Maine State retirement, if it wasn't related to their military service. It would not put them at a disadvantage.

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

ROLL CALL NO. 547

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Bickford, Black, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Farrin, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Golden, Grant, Haggan, Handy, Hanington, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, O'Neil, Parker, Perry, Pickett, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Schneck, Sheats, Skolfield, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Ward, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bradstreet, Cebra, Chace, Craig, Dillingham, Espling, Gerrish, Gillway, Ginzler, Guerin, Hanley, Harrington, Harvell, Hawke, Head, Hilliard, Johansen, Kinney M, Lockman, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pierce J, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Stearns,

Stetkis, Stewart, Strom, Sutton, Timberlake, Turner, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Battle, Campbell, Daughtry, Fredette, Grignon, Grohman, Hamann, Herrick, Nadeau, Sanborn, Sherman, Theriault.

Yes, 91; No, 48; Absent, 12; Excused, 0.

91 having voted in the affirmative and 48 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-688) 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-688)** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 724)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Monday, April 2, 2018 at 10:00 in the morning.

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

COMMUNICATIONS

The Following Communication: (H.C. 476)

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

March 29, 2018

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Erin D. Herbig of Belfast to serve as Speaker Pro Tem to convene the House on March 29, 2018.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and **ORDERED PLACED ON FILE.**

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Golden, who wishes to address the House on the record.

Representative **GOLDEN**: Thank you, Madam Speaker. If everyone could just bear with me for a minute. I know it's been a long day, and I do have to say something quickly from the heart, and I want to ask your help in thanking some people together. So, you know, it's Vietnam Veterans Day and my generation, we've been treated awfully well, and, you know, everyone always says thank you for your service. A lot of times people who fought in Afghanistan and Iraq will say oh, don't thank me, you know, we did it by choice, we're happy to do it, proud to do it. But the reason why we get thanked in

many ways has to do with the Vietnam vets who, many of whom spent a lifetime fighting to make sure that we got the treatment that they deserved to get when they came home; and I appreciate that, it's not lost on me. Most veterans are not people that go out of their way to be recognized, they don't ask to be thanked; and in the midst of a busy day today, there was a ceremony downstairs and, you know, I think inadvertently some people that should've been recognized were not, and I want to say I don't know everyone in this chamber that is a Vietnam veteran, so excuse me if I don't call you out personally and thank you. But I do want to tell you real quickly about someone who I deeply respect: Representative Bob Alley. I've shared some of the stories, or he's done me the honor of sharing some of the stories of his service in Vietnam, and I can tell you, I know that his were far worse than mine ever were in Afghanistan and Iraq, and I am just so deeply proud of who he is and his service to this country. I regret that in the midst of things today, he didn't get recognized. I hope he knows that that is simply a mistake, and that we all deeply, deeply appreciate your service. We're proud of what you did for this country and who you are, and we appreciate your service to the state here in the Maine State Legislature. So, if you would all just please join me in thanking Representative Bob Alley. I do apologize.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dixfield, Representative Pickett, who wishes to address the House on the record.

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I, too, would like to recognize a Vietnam vet that's amongst us today, a gentleman who I feel is very humble, and he's a good friend of mine, I consider him a very good friend and he also is a colleague. He is -- he was also a former boss of mine for a short time; and he was downstairs when we were recognizing Vietnam veterans today and standing up with me while we were recognizing somebody from our area, and I'd like us all to recognize Representative John Madigan.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lincoln, Representative Hanington, who wishes to address the House on the record.

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen. I'll be very quick. I'd like to thank all the Vietnam veterans. But, back up four years ago, the very first person that I got to be friends with, I walked in that door, and it was Bob Alley. And I noticed he had a cross on his lapel, so ever since that day we've had a friendship. Regardless, we may span a little bit of the political divide, but I consider him a friend; and Representative Golden, thank you for recognizing him, but I would like to thank Representative Grohman for bringing this celebration to fruition, because he is another man that I can call a great friend. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norridgewock, Representative Farrin, who wishes to address the House on the record.

Representative **FARRIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. While we're recognizing folks this afternoon, there's a gentleman among us that's usually one of the first ones here in the morning, and very

quiet. I'd like to recognize a friend and a colleague as a Vietnam veteran, Representative Ray Wallace from Dexter.

On motion of Representative CHACE of Durham, the House adjourned at 2:39 p.m., until 10:00 a.m., Monday, April 2, 2018, pursuant to the Joint Order (S.P. 724) and in honor and lasting tribute to Lieutenant Colonel John S. Ames, of Cumberland.