

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
SECOND SPECIAL SESSION
2nd Legislative Day
Wednesday, June 20, 2018

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

Prayer by Honorable Jeffrey K. Pierce, Dresden.

National Anthem by Honorable Matthea Elisabeth Larsen Daughtry, Brunswick.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

An Act To Correct Errors and Inconsistencies in the Laws of Maine (EMERGENCY)

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

(C. "A" H-782)

FAILED of **PASSAGE TO BE ENACTED** in the House on April 18, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782) AS AMENDED BY SENATE AMENDMENT "A" (S-494)** thereto in **NON-CONCURRENCE**.

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

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

At this point, the Speaker recognized the Representative from Auburn, Representative BICKFORD and the Representative from Norridgewock, Representative FARRIN, and they were added to the roll call of the Second Special Session of the 128th Legislature.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, To Name the Bridge over the Kennebec River in the Town of Norridgewock the Corporal Eugene Cole Memorial Bridge (EMERGENCY)

(H.P. 1355) (L.D. 1914)

Sponsored by Representative FARRIN of Norridgewock.

Cosponsored by Senator LIBBY of Androscoggin and Representatives: AUSTIN of Skowhegan, NADEAU of Winslow, PERKINS of Oakland, POULIOT of Augusta, Senators: CYRWAY of Kennebec, DAVIS of Piscataquis, ROSEN of Hancock, WHITTEMORE of Somerset.

Committee on **TRANSPORTATION** suggested.

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

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

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

Bill "An Act To Prohibit Campaign Fund-raising at the Voting Place"

(H.P. 1354) (L.D. 1912)

Sponsored by Representative PARRY of Arundel. (GOVERNOR'S BILL)

Committee on **VETERANS AND LEGAL AFFAIRS** suggested.

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

Representative FREDETTE of Newport **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**: 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. 675

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Handy, Harlow, Herbig, Hickman, Hogan, Hymanson, Jorgensen, Kornfield, Kumiega, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Perry, Pierce T, Riley, Rykerson, Sanborn, 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, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Devin, Grignon, Guerin, Hamann, Hubbell, Lawrence, Marean, McLean, Parker, Reckitt, Theriault, Ward.

Yes, 71; No, 68; Absent, 12; Excused, 0.

71 having voted in the affirmative and 68 voted in the negative, with 12 being absent, and accordingly the Bill was **TABLED** pending **REFERENCE** and later today assigned.

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

ORDERS

On motion of Representative BAILEY of Saco, the following House Resolution: (H.R. 1)

HOUSE RESOLUTION EXPRESSING SUPPORT FOR IMMEDIATE ACTION REGARDING THE EROSION AT CAMP ELLIS CAUSED BY THE FEDERAL NAVIGATION PROJECT JETTY

WHEREAS, Camp Ellis is located in Saco, about 16 miles south of Portland; the beach is situated on the southern portion of the Saco Bay shoreline near the mouth of the Saco River; and

WHEREAS, at the entrance to the river, the Saco River Federal Navigation Project consists of an 8-foot-deep, 200-foot-wide channel that is protected by a 6,600-foot-long jetty to the north and by a 4,800-foot-long jetty to the south, and the north jetty separates the river from Camp Ellis Beach, which extends about 2,500 feet north to Ferry Beach; and

WHEREAS, the federal navigation project was authorized and constructed between 1828 and 1968 in several increments and provides for navigation safety at the mouth of the river and a reduction in the frequency of maintenance of the lower river channel and anchorage areas; and

WHEREAS, during the last modification in 1968, the shoreward end of the north jetty was raised and tightened to reduce the maintenance dredging frequency in the river channel; and

WHEREAS, as a result of the federal navigation project, the area of Camp Ellis Beach within about 2,500 feet of the jetty has experienced severe erosion over the past several decades, with losses of over 30 homes and property, roadways and public and private infrastructure; and

WHEREAS, besides the major commercial transportation effects, commercial activity on the Saco River contributes more than \$53,000,000 to our regional communities each year; the Saco River is home to more than 40 commercial fishing vessels, and the river supports more than 450 full-time jobs; and

WHEREAS, a United States Army Corps of Engineers report dated April 2013 found that the only feasible alternative would be the construction of an additional 750-foot-long spur jetty with ongoing beach nourishment; now, therefore, be it

RESOLVED: That We, the Members of the House of Representatives of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this occasion to express our support for immediate action to be taken regarding the erosion at Camp Ellis and our support for continued maintenance dredging, the construction of an additional spur jetty and periodic beach renourishment.

READ and ADOPTED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Normand J. Arbour, of Chelsea, Sergeant-At-Arms of the House Chamber of the Maine Legislature, who is retiring after 20 years of service to the Legislature and more than 45 years of service to his community and the State. Prior to joining the House Chamber staff, Mr. Arbour worked for the Augusta Fire Department for 25 years, retiring as Fire Chief. He also served as Town Fire Warden, Emergency Management Director and City Councilor for Augusta, and was on the Kennebec County Local Emergency Planning Committee. We extend to Mr.

Arbour our appreciation for his many years of service to the citizens of Augusta and the State and offer him our congratulations on his retirement;

(HLS 1422)

Presented by Speaker GIDEON of Freeport.

Cosponsored by Representative SANDERSON of Chelsea, Senator BELLOWS of Kennebec.

On **OBJECTION** of Representative HERBIG of Belfast, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Madam Speaker. Women, Men of the House, Mr. Arbour, Norm. I know I speak for everyone in this body when I rise to add my heartfelt appreciation of Norm for his service to this institution and our state. Throughout my time in the Legislature, Norm has been central to daily life in this chamber. He is loyal, dedicated, hardworking, and has a really good sense of humor. We have been so fortunate to benefit from his steady leadership and commitment to all of us in this chamber.

It is hard to imagine this place without you, Norm, but I am so excited for you. I know you will have a wonderful retirement, spending more time with your family, enjoying the outdoors and working in your garden. Thank you, Norm, and congratulations. We all wish you the very best. Thank you.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-476)** on Bill "An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes" (EMERGENCY)

(S.P. 612) (L.D. 1655)

Signed:

Senator:

CHENETTE of York

Representatives:

TIPPING of Orono
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 "B" (S-477)** on same Bill.

Signed:

Senators:

DOW of Lincoln
CUSHING of Penobscot

Representatives:

BICKFORD of Auburn
HILLIARD of Belgrade
POULIOT of Augusta
WARD of Dedham

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-477) AS AMENDED BY SENATE AMENDMENT "A" (S-496)** thereto.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "B" (S-477)** was **READ** by the Clerk.

Senate Amendment "A" (S-496) to **Committee Amendment "B" (S-477)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "B" (S-477) as Amended by Senate Amendment "A" (S-496) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-477) as Amended by Senate Amendment "A" (S-496)** thereto in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-488)** on Bill "An Act To Create a Community Protection Order To Allow Courts To Prevent High-risk Individuals from Possessing Firearms"

(S.P. 719) (L.D. 1884)

Signed:

Senator:

HILL of York

Representatives:

MOONEN of Portland

BABBIDGE of Kennebunk

BAILEY of Saco

CARDONE of Bangor

McCREIGHT of Harpswell

RECKITT of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-489)** on same Bill.

Signed:

Senators:

KEIM of Oxford

WHITTEMORE of Somerset

Representatives:

BRADSTREET of Vassalboro

GUERIN of Glenburn

JOHANSEN of Monticello

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-489)**.

READ.

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

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative **CARDONE**: Thank you, Madam Speaker. I appreciate the opportunity to address this body through the Speaker on LD 1884, the creation of a community protection order to allow courts to prevent high-risk individuals from possessing firearms.

Madam Speaker, in our Committee, in our public hearings, we heard a great deal of testimony on this bill. We heard testimony from those concerned about school shootings and random acts of violence in our communities. We heard testimony from those who were concerned about suicides, many of whom who had experienced the suicide of a loved one, some of whom themselves were suicide survivors. And we heard testimony from those who had concerns about the protection of our constitutional right to keep and bear arms, both on the federal and on the state level.

The Committee took all of this testimony under consideration, and, Madam Speaker, I am proud to say that in the Majority Report, we have crafted a bill that addresses all of these concerns. This bill provides a judicial framework for keeping firearms, on a temporary basis, out of the hands of those who are temporarily unable to responsibly use firearms. It allows a judge, based on sworn testimony and credible evidence, to temporarily; to issue a temporary order preventing an individual from the possession of firearms. This is not a bill that infringes on the federal or state constitutional rights to keep or bear arms for any Maine citizen, in particular, for those citizens who are capable of using firearms responsibly.

This bill will allow law enforcement officers, or family or household members, to bring before a court a situation that they think is dangerous to an individual or to the community at large. It allows them to bring a petition, by sworn testimony that's reviewed by a court, with the standard of clear and convincing evidence that someone is at risk of serious bodily injury or death to that person or to another person. The court, in determining whether to issue an order under this new law, would consider all relevant evidence available and, as I said, consider it by a clear and convincing standard; something that's above the usual preponderance of the evidence standard in the courts. Temporary orders issued under this proposed law would expire within 14 days, and within that time, the court must hold a hearing on any petition brought under this law. Fourteen days is a fairly fast turnaround for any lawsuit filed, and within that 14 days, notice of the suit is sent to the person who is the subject of this protection order, and that person has the right to appear at a hearing to contest the order and to present evidence for this court to consider. If an extended; if the court finds after hearing that there is need for an extended order, that extended order goes into effect based on the discretion of the court for the length of time, but no longer than 180 days. Now, what's not written into this bill is an underlying presumption that within those 14 days or certainly within that 180 days, that the person who is the subject of this order can seek mental health counseling and help for the issues that have attracted attention, and can then go back to have this order dissolved.

Madam Speaker, we've also built into this bill, responsibilities, significant responsibilities, for law enforcement officers. Our law enforcement officers under this bill would not

only have the opportunity to screen and potentially bring a petition, but they have the opportunity; they have the obligation, if they're taking guns into their possession, to keep those guns in a safe place to make sure that they are not lost, vandalized, stolen or used irresponsibly by someone else. While those guns are in their possession, there is an order in place; there is an order in place for no possession of firearms by this person. They have the obligation to keep people safe by keeping possession of these guns. They also have the obligation to return these guns when the order is dissolved, and to immediately notify all authorities that this order is dissolved, so that no one is prohibited from keeping a firearm or from possessing a firearm if, in fact, an order has been dissolved against them. There's also no presumption anywhere in this law, Madam Speaker, that someone who has had a community protection order placed against them would ever be in a position in the future not to own guns, not to possess guns, not to use guns once the order is lifted and they are in a position to use them responsibly.

Madam Speaker, I ask that this body consider all of the concerns that the Judiciary Committee has raised, including the protection of the constitutional rights of the citizens of Maine, and in weighing those concerns, support the Majority Report as I intend to do. Thank you, Madam Speaker.

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

Representative **ESPLING**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. While I understand the impetus for this bill and everything that has happened nationally regarding some of these issues, I think there is concern with this amendment before you. Many constitutional concerns; and I think there are constitutional concerns that go beyond the Second Amendment.

I don't believe this bill is ready for primetime. Hopefully, we'll have some more time to look deeper into this issue. We absolutely do need to address the many mental health issues concerning individuals in our state, while at the same time making sure that we maintain and protect their own constitutional rights, and that is a tough balance; a balance that I think we need to find but yet, it is not found in the amendment before you. I will not be supporting this amendment and I hope you will follow my light. Thank you.

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

ROLL CALL NO. 676

YEA - Ackley, Babbidge, Bailey, Bates, Beebe-Center, Blume, Brooks, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Farnsworth, Fecteau, Frey, Fuller, Gattine, Grant, Handy, Harlow, Hogan, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Mastraccio, McCreight, Melaragno, Monaghan, Moonen, O'Neil, Perry, Pierce T, Rykerson, Sanborn, Schneck, Sheats, Spear, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Madam Speaker.

NAY - Alley, Austin B, Austin S, Battle, Berry, Bickford, Black, Bradstreet, Bryant, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Doore, Duchesne, Dunphy, Espling, Farrin, Fay, Foley, Gerrish, Gillway, Ginzler, Golden, Grohman, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Martin J, Martin R, Mason, McCrea, McElwee, Nadeau, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot,

Prescott, Reed, Riley, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood, Zeigler.

ABSENT - Devin, Fredette, Grignon, Guerin, Hamann, Hubbell, Marean, McLean, Parker, Reckitt, Theriault, Ward.

Yes, 53; No, 86; Absent, 12; Excused, 0.

53 having voted in the affirmative and 86 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

Representative HERBIG of Belfast **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended Report.**

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

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

ROLL CALL NO. 677

YEA - Ackley, Alley, Austin B, Babbidge, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Casas, Collings, Corey, Craig, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Espling, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grohman, Hamann, Handy, Harlow, Herbig, Herrick, Hickman, Higgins, Hogan, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Perry, Pierce T, Riley, Rykerson, Sanborn, Schneck, Seavey, Sheats, Sherman, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bailey, Black, Bradstreet, Campbell, Cardone, Cebra, Chace, Cooper, Dillingham, Farrin, Foley, Gerrish, Gillway, Ginzler, Grant, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Simmons, Sirocki, Skolfield, Spear, Stearns, Stetkis, Stewart, Strom, Sutton, Timberlake, Tuell, Turner, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Chapman, Devin, Fredette, Grignon, Guerin, Hubbell, Malaby, Marean, McLean, Parker, Reckitt, Theriault, Ward.

Yes, 78; No, 60; Absent, 13; Excused, 0.

78 having voted in the affirmative and 60 voted in the negative, with 13 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "B" (S-489) 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 "B" (S-489)** in concurrence.

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

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

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

Representative **RYKERSON**: I can't hear. There's too much noise in the chamber.

The SPEAKER: Your Point of Order is noted, Representative Rykerson. The Chair will remind members to please take your conversations outside the chamber so all members can hear.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-742)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Create Fairness in Maine's Unemployment Insurance System by Increasing the Amount Paid in Unemployment Tax by Certain Employers" (H.P. 1319) (L.D. 1887)

TABLED - April 12, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - ACCEPTANCE OF EITHER REPORT.

Subsequently, on motion of Representative FECTEAU of Biddeford, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Amend the Maine Medical Use of Marijuana Act (S.P. 84) (L.D. 238) (C. "A" S-443)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19 and To Provide That Employees of School Management and Leadership Centers Are Eligible To Participate in the Maine Public Employees Retirement System (S.P. 712) (L.D. 1869)

(S. "B" S-491 and S. "C" S-495 to C. "B" S-469)

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Reestablish Certain Positions within the Department of Health and Human Services" (EMERGENCY) (H.P. 1303) (L.D. 1867)

Signed:

Senators:

BREEN of Cumberland
KATZ of Kennebec

Representatives:

GATTINE of Westbrook
FREY of Bangor
JORGENSEN of Portland
MARTIN of Eagle Lake
PIERCE of Falmouth
TEPLER of Topsham

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

SEAVEY of Kennebunkport
SIROCKI of Scarborough
TIMBERLAKE of Turner
WINSOR of Norway

READ.

On motion of Representative GATTINE of Westbrook, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

ORDERS

On motion of Representative KINNEY of Knox, the following Joint Resolution: (H.P. 1356) (Cosponsored by Senator DAVIS of Piscataquis and Representatives: ACKLEY of Monmouth, BLACK of Wilton, DUNPHY of Old Town, HARVELL of Farmington, HIGGINS of Dover-Foxcroft, MASON of Lisbon, PICCHIOTTI of Fairfield, Senator: MASON of Androscoggin)

JOINT RESOLUTION TO SUPPORT MAINE'S MAPLE SYRUP AND HONEY PRODUCERS

WHEREAS, Maine is known for its natural and wholesome foods and is the 3rd largest producer of maple syrup in the United States, producing over \$20,000,000 of maple syrup in 2017, and produces over \$2,000,000 of honey annually; and

WHEREAS, the pure honey and maple syrup industries have worked diligently to educate consumers about the value and purity of their products as a result of the introduction of similarly identified but inferior products into the marketplace; and

WHEREAS, product labels that clearly describe the contents of containers at the point of sale are the most direct message available to consumers; and

WHEREAS, the United States Food and Drug Administration has released a proposed rule that would require that honey and maple syrup be labeled as containing "added sugar" even when these products are 100% pure single-ingredient products; and

WHEREAS, the inclusion of the "added sugar" declaration to single-ingredient products like honey and maple syrup, to which no sugar has been added, will result in consumer confusion and may erode consumer confidence; and

WHEREAS, a requirement to declare "added sugar" would compromise the integrity of naturally sweet single-ingredient products and would have an irrevocably negative impact on the Maine maple syrup and honey industries; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Special Session, on behalf of the people we represent, take this opportunity to support the United States Food and Drug Administration's efforts at clear labeling to support the consumer's ability to make informed purchasing decisions but recommend that the United States Food and Drug Administration exempt pure maple syrup and honey from its proposed rule; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Dr. Scott Gottlieb, Commissioner of Food and Drugs, and to all members of the Maine Congressional Delegation.

READ.

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

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. This was brought about because of a new rule by the FDA to put single-ingredient products like maple syrup and honey into -- with new labelling requirements, and this is -- I'm just going to read quickly what I sent to the FDA on their public docket which commenting ended last Friday --

The SPEAKER: The Representative will defer. The Chair will remind members to please take their conversations out of the chamber if you have a need to talk while another Member is speaking. The Member may proceed.

Representative **KINNEY**: Thank you. Last week I traveled to Washington D.C. in order to explain why the proposed added sugars labeling is confusing and false. I spoke with all four of Maine's congressional delegation members, Senators Collins and King and Representatives Pingree and Poliquin. All four members understand the real issue here. And I also spoke with Nick Alexander in the FDA by phone.

I am a maple syrup producer with over 10,000 taps in rural Waldo County, Maine. I've been producing maple syrup for 14 years. Before that, my husband and his family produced maple syrup off and on going back to 1971 in Auburn, Maine. Never have we ever added maple -- added sugar to our maple syrup and maple syrup products. Our labeling has always stated that the product is pure and that the single ingredient is a form of sugar.

Maple syrup comes from the sap of maple trees and is about 2% sugar straight from the tree, and after removing most of the water, we have maple syrup at about 66% sugar. Additionally, maple syrup is very health-conscious. It has a low glycemic index, 54, contains healthy minerals and antioxidants as well as abscisic acid, ABA, which is thought to promote insulin production in the pancreas. Our family also continues to remove water from syrup to get maple cream, a delicious butter-consistency spread for toast, English muffins, homemade biscuits, etcetera; molded sugar; soft sugar, often

called maple candy; and going as far as removing all the water from the sap to get granulated maple sugar; and when cooking with maple sugar, containing about 16 calories per teaspoon, just like white sugar. You can often use about half as much sugar due to the fact that maple tastes sweeter, therefore using less sugar in your diet. All of these products are pure maple products with no added sugars.

I was told the proposal was science-based. Again, I feel I was fed a lie regarding this proposal. I understand the science-based dietary guidelines. However, no science is being used in the proposed labeling language because the added sugars line on the nutrition facts comes after total carbohydrates and the indented smaller print, sugars, which are the exact same number. The new added sugars line, which will be immediately after sugars with no additional indent is proposed and will again be the exact same number on maple syrup and honey products, but they do not contain added sugars. This will confuse consumers, and the proposed footnote will further add confusion to the labeling. The idea for the labeling, to help drive home the realization that as consumers eat maple and honey products they are adding sugars to their diet, is an assumption that people couldn't possibly figure this out on their own. We must live in a really poorly educated society if that is the case. Sadly, the proposal is turning otherwise intelligent people into thinking, "it's about time we eliminated sugar additives in maple syrup products." This quote came from someone whom I have known for years and is an intelligent person, yet they thought maple producers were adding sugar to this product because of the FDA proposal and my personal fight on the issue. I've been on local news recently, which is why this person reached out.

Our family gives tours of our operation year-round and one question that does come up is when do you add the sugar, and we constantly educate the public, we have never added sugar to our maple syrup and that it is naturally produced by trees.

Maple syrup is only produced in northeast North America. It is a specialty agricultural crop that needs help from US agencies rather than hindering regulation. Please exempt single ingredient products like maple syrup and honey from this ridiculous labeling change. I would be happy to help with wording and additional concerns the FDA may have on this issue, and will include my contact information in the space provided below. And, as a footnote, I'd like to also say that I have been in contact with the Washington delegation and the FDA is starting to back off, but it's not time to back off our pressure, and I would -- I appreciate the unanimous consent to send this resolution on to the FDA. Thank you.

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

**ENACTORS
Acts**

An Act To Specify the Procedures Regarding the Court-ordered Surrender of Dangerous Weapons

(S.P. 719) (L.D. 1884)

(C. "B" S-489)

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

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

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Provide Supplemental Appropriations and Allocations for the Operations of State Government" (EMERGENCY)

(H.P. 586) (L.D. 837)
(H. "A" H-798 to C. "A" H-751)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-751) AS AMENDED BY HOUSE AMENDMENT "A" (H-798) thereto in the House on June 19, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-751) AS AMENDED BY SENATE AMENDMENT "C" (S-502)** thereto in **NON-CONCURRENCE**.

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

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

**ENACTORS
Emergency Measure**

Resolve, To Name the Bridge over the Kennebec River in the Town of Norridgewock the Corporal Eugene Cole Memorial Bridge

(H.P. 1355) (L.D. 1914)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Implement Certain Recommendations of the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services

(H.P. 1339) (L.D. 1902)
(H. "A" H-794 to C. "A" H-779)

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

At this point, the Speaker recognized the Representative from Bar Harbor, Representative HUBBELL, and he was added to the roll call of the Second Special Session of the 128th Legislature.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Clarify Which Municipalities May Receive a Portion of Day Use and Camping Fees from State Parks and Historic Sites" (EMERGENCY)

(H.P. 1357) (L.D. 1915)

Sponsored by Representative CHAPMAN of Brooksville.
Cosponsored by Senator DAVIS of Piscataquis and Representative: DUNPHY of Old Town.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

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

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

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

The Following Communication: (H.C. 545)

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

June 20, 2018

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (l) (a), I have rescinded the temporary appointment of Representative Teresa S. Pierce of Falmouth from the Joint Standing Committee on Appropriations and Financial Affairs and I have reappointed Representative Brian L. Hubbell of Bar Harbor to the Joint Standing Committee on Appropriations and Financial Affairs, effective immediately.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Reestablish Certain Positions within the Department of Health and Human Services" (EMERGENCY)

(H.P. 1303) (L.D. 1867)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ and ACCEPTED** in the House on June 20, 2018.

Came from the Senate with the Minority (5) **OUGHT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

Representative FREDETTE of Newport moved that the House **RECEDE AND CONCUR**.

Representative HERBIG of Belfast **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 678

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

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, 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, Pierce T, Pouliot, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Chapman, Devin, Grignon, Guerin, Harvell, Head, Malaby, Marean, Parker, Reckitt, Theriault, Ward.

Yes, 62; No, 77; Absent, 12; Excused, 0.

62 having voted in the affirmative and 77 voted in the negative, with 12 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-467)** on Bill "An Act Regarding Compensation by Large Transmission and Distribution Utilities"

(S.P. 628) (L.D. 1729)

Signed:

Senator:

DION of Cumberland

Representatives:

BERRY of Bowdoinham

COOPER of Yarmouth

DeCHANT of Bath

RILEY of Jay

RYKERSON of Kittery

SANBORN of Portland

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

Signed:

Senators:

WOODSOME of York

CUSHING of Penobscot

Representatives:

HANLEY of Pittston

O'CONNOR of Berwick

WADSWORTH of Hiram

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-467) AS AMENDED BY SENATE AMENDMENT "A" (S-505)** thereto.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-467)** was **READ** by the Clerk.

Senate Amendment "A" (S-505) to **Committee Amendment "A" (S-467)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-467) as Amended by Senate Amendment "A" (S-505) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Senate Amendment "A" (S-505) to Committee Amendment "A" (S-467)** thereto in concurrence.

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

ENACTORS

Acts

An Act To Provide Supplemental Appropriations and Allocations for the Operations of State Government

(H.P. 586) (L.D. 837)

(S. "C" S-502 to C. "A" H-751)

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

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

Emergency Measure

An Act To Restore Confidence in Utility Billing Systems

(S.P. 628) (L.D. 1729)

(S. "A" S-505 to C. "A" S-467)

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 679

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Chace, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Dillingham, Doore, Duchesne, Dunphy, Farnsworth, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Golden, Grant, Haggan, Hamann, Handy, Hanington, Hanley, Harlow, Hawke, Herbig, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Riley, Rykerson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Sherman, Simmons, Sirocki, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - NONE.

ABSENT - Bickford, Cebra, Chapman, Devin, Espling, Ginzler, Grignon, Grohman, Guerin, Harrington, Harvell, Head, Herrick, Hickman, Kumiega, Malaby, Marean, McElwee, Parry, Reckitt, Sampson, Skolfield, Theriault, Ward.

Yes, 127; No, 0; Absent, 24; Excused, 0.

127 having voted in the affirmative and 0 voted in the negative, with 24 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

At this point, the Speaker recognized the Representative from South Berwick, Representative PARKER, and she was added to the roll call of the Second Special Session of the 128th Legislature.

SENATE PAPERS

Bill "An Act To Slow the Rate at Which the State's Minimum Wage Increases and To Eliminate Cost-of-living Increases to the Minimum Wage"

(S.P. 749) (L.D. 1913)

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

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

On motion of Representative HERBIG of Belfast, **TABLED** pending **REFERENCE** and later today assigned.

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

On motion of Representative HERBIG of Belfast, the House adjourned at 9:59 p.m., until 10:30 a.m., Thursday, June 21, 2018.