

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE  
FIRST REGULAR SESSION  
41st Legislative Day  
Thursday, May 18, 2017

The Speaker resumed the Chair.

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

Prayer by Mr. Forrest Genthner, South Freeport Congregational Church.

National Anthem by Mountain Valley High School Chorus, Rumford.

Pledge of Allegiance.

Doctor of the day, Tom Marshall, M.D., Farmington.

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

The Journal of yesterday was read and approved.

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Clifford Wiley, of Dover-Foxcroft, who recently celebrated his 95th Birthday. Mr. Wiley, one of 4 brothers who served during World War II in the European Theater, served in the United States Army as a sergeant in the 26th Infantry Division, was wounded at the Battle of the Bulge and received a Purple Heart. We extend to Mr. Wiley our appreciation for his military service and our congratulations on his birthday;

(HLS 408)

Presented by Representative HIGGINS of Dover-Foxcroft.

Cosponsored by Senator DAVIS of Piscataquis.

On **OBJECTION** of Representative HIGGINS of Dover-Foxcroft, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **HIGGINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Quite often we find in our communities extraordinary people, but what we take for granted, I think, is that ordinary people can do extraordinary things, and today I have the privilege of speaking on behalf of such an individual. In 1982, my wife and our family attended a new church in our town. This gentleman behind me put his hand on my shoulder and said, "Welcome." I later discovered that was Cliff Wiley. I've known him all those years. I was sharing with my wife this morning that Cliff would be here today and her response is, "He's such a wonderful man." But let's go back in time a bit. World War II: Cliff and his three brothers all volunteered, from the little town of Dover-Foxcroft. What hasn't been mentioned is Cliff is a double recipient of the Bronze Star. That is an award that is given for extraordinary courage, valor, and leadership. Cliff was wounded at the Battle of the Bulge, and today, still suffers from those afflictions of that time. But if you ask him about it, it was no big deal. It's just something you did at that time. We all know that's not the case. So it's my great pleasure today to help recognize an individual who gave

a great sacrifice to this country, came back, married, raised a family, worked the postal service, attended church, a good community member, and exactly the kind of citizen every community should aspire to have. So, well done, Cliff.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Deter the Dealing of Dangerous Drugs"

(S.P. 22) (L.D. 42)

Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in the House on May 16, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-50)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

Bill "An Act To Protect Privacy of Online Customer Personal Information"

(S.P. 566) (L.D. 1610)

**REFERRED** to the Committee on **JUDICIARY** in the House on May 16, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Bill "An Act To Support Employment Opportunity in Maine"

(H.P. 1109) (L.D. 1608)

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in the House on May 16, 2017.

Came from the Senate **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Bill "An Act To Fund and Enhance the Maine Diversion Alert Program" (EMERGENCY)

(H.P. 182) (L.D. 249)

Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146)** in the House on May 16, 2017.

Came from the Senate with the Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

Bill "An Act To Eliminate Insurance Rating Based on Age, Geographic Location or Smoking History and To Reduce Rate Variability Due to Group Size"

(H.P. 549) (L.D. 769)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)** in the House on May 16, 2017.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

Bill "An Act To Enact the Toxic Chemicals in the Workplace Act"

(H.P. 490) (L.D. 699)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-135)** in the House on May 16, 2017.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

Bill "An Act To Preserve Funding for the Maine Clean Election Act by Removing Gubernatorial Candidates from Eligibility"

(H.P. 233) (L.D. 300)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** in the House on May 2, 2017.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**COMMUNICATIONS**

The Following Communication: (H.C. 172)

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

May 18, 2017

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

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

- Agriculture, Conservation and Forestry
  - L.D. 151 Resolve, To Authorize the Transfer of State-owned Property to the Town of St. Agatha
- L.D. 167 An Act To Fund Animal Control Officers and Animal Shelters
- L.D. 1114 An Act To Amend the Rules Regulating Invasive Terrestrial Plant Species
- L.D. 1167 An Act To Deregulate the In-state Extraction and Sale of Raw Honey
- L.D. 1369 An Act To Support Local Agricultural Production
- Health and Human Services
  - L.D. 107 An Act To Increase the Effectiveness of Opioid Addiction Therapy
  - L.D. 464 Resolve, Directing the Department of Health and Human Services To Facilitate the Scheduling of Transportation for Persons with Disabilities
  - L.D. 504 An Act To Support Evaluation of Opioid Diversion Efforts
  - L.D. 607 An Act To Enhance Maine's Coordinated Response to Mental Health Crises
  - L.D. 629 An Act To Improve Rehabilitation Services for Persons with Mental Illness in Maine
  - L.D. 634 An Act Regarding the Drug Epidemic in Maine
  - L.D. 1367 Resolve, To Support Family-directed Housing Initiatives and Alternative Programming for Individuals with Disabilities in Underserved Areas
  - L.D. 1424 An Act To Amend the Laws Governing MaineCare Eligibility Determination For Applicants To Nursing Homes
  - L.D. 1563 Resolve, To Establish the Maine Health Advisory Committee (EMERGENCY)
- Inland Fisheries and Wildlife
  - L.D. 35 Resolve, To Allow the Unlicensed Ownership of Hedgehogs as Pets
  - L.D. 1018 An Act To Prohibit Stocking Fish in or Using Live Fish as Bait on Tributaries to State Heritage Fish Waters
  - L.D. 1179 An Act To Increase Funding for Programs That Support the Mission of the Department of Inland Fisheries and Wildlife
  - L.D. 1582 An Act To Clarify and Enhance Maine's Fish and Wildlife Enforcement Laws
- Insurance and Financial Services
  - L.D. 1354 An Act Relating to Exempt Equity in a Primary Residence
- Labor, Commerce, Research and Economic Development
  - L.D. 702 An Act To Restore the Tip Credit to Maine Employees
  - L.D. 774 An Act To Create a Training Wage
  - L.D. 775 An Act To Prohibit the Minimum Wage from Exceeding the New England Average
  - L.D. 884 An Act To Exempt Small Bottlers from the Bottling Plant Requirements (EMERGENCY)
  - L.D. 971 An Act To Exempt Certain Employees from the Minimum Wage Laws
  - L.D. 1005 An Act Regarding Minimum Wage Increases

L.D. 1152 An Act To Encourage the Hiring of Skilled Immigrants through Flexible Certification  
 L.D. 1353 An Act To Establish the Maine Domestic Trade Center  
 L.D. 1393 Resolve, Establishing the Commission To Create a Statewide Economic Development Plan (EMERGENCY)  
 L.D. 1468 An Act To Expand Application of the Maine State Housing Authority's Arsenic Abatement Program

Marine Resources

L.D. 704 An Act To Give the Department of Marine Resources Flexibility with Licensing in the Atlantic Herring Fishery  
 L.D. 730 An Act To Establish Minimum and Maximum Size Limits for Possession of Soft-shelled Clams  
 L.D. 1379 An Act Regarding Enforcement of Marine Resources Laws and Suspensions of Marine Resources Licenses  
 L.D. 1455 An Act To Fund Research on and Management and Enforcement of the Eel and Elver Fisheries

Transportation

L.D. 134 An Act To Allow the Secretary of State To Issue Licenses Pending Receipt of Necessary Paperwork from the Driver Education and Evaluation Program (EMERGENCY)  
 L.D. 315 Resolve, Directing the Department of Transportation To Apply for Funds for Rail Improvements  
 L.D. 437 An Act Concerning Maine's Transportation Infrastructure  
 L.D. 752 An Act To Enhance the Safety of Schoolchildren by Requiring the Posting of the School Zone Speed Limit  
 L.D. 790 Resolve, To Name the Bridge between Indian Township and the Town of Princeton the Sakom John Stevens Bridge  
 L.D. 1101 Resolve, Directing the Secretary of State To Review and Recommend Updates to the Maine Motorcycle Driver Education Program  
 L.D. 1226 An Act To Keep Maine's Transportation Infrastructure Safe by Providing More Sources of Revenue for the Highway Fund  
 L.D. 1310 An Act To Establish a Driver's License Suspension Amnesty Day  
 L.D. 1328 An Act To Promote Bicycle Safety by Placing Warning Signs on Certain Public Ways  
 L.D. 1347 An Act To Amend the Laws Regarding Driver's License Fees  
 L.D. 1398 An Act To Allow Vehicles Registered as Wreckers To Transport 2 Vehicles  
 L.D. 1426 An Act To Allow the Use of Bioptic or Telescopic Corrective Lenses To Meet the Vision Examination Requirements for a Class C Driver's License (EMERGENCY)  
 L.D. 1439 Resolve, To Study the Placement of Vehicle Charging Stations on Maine's Highways  
 L.D. 1460 An Act To Remove the Secretary of State's Authority To Authorize Agents To Issue Noncommercial Driver's License Renewals and Nondriver Identification Card Renewals

L.D. 1559 An Act To Remove the Law Mandating a Front License Plate  
 Veterans and Legal Affairs  
 L.D. 295 An Act To Amend the Requirements for a Political Party To Retain Qualified Party Status under the Election Laws

Sincerely,  
 S/Robert B. Hunt  
 Clerk of House  
**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 411)

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

May 16, 2017  
 Honorable Robert B. Hunt  
 Clerk of the House  
 2 State House Station  
 Augusta, Maine 04333  
 Dear Clerk Hunt:  
 Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass Report from the Committee on Veterans and Legal Affairs and Passage to be Engrossed as Amended by Senate Amendment "B" on Bill "An Act To Improve Requirements for Reporting to the Commission on Governmental Ethics and Election Practices" (H.P. 507) (L.D. 716), in non-concurrence.  
 Best Regards,  
 S/Heather J.R. Priest  
 Secretary of the Senate  
**READ** and **ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Facilitate Substance Abuse Treatment for Certain Applicants for and Recipients of Temporary Assistance for Needy Families Benefits"  
 (H.P. 1111) (L.D. 1615)  
 Sponsored by Representative SANDERSON of Chelsea. (GOVERNOR'S BILL)  
 Cosponsored by Representatives: GERRISH of Lebanon, GROHMAN of Biddeford, MALABY of Hancock, O'CONNOR of Berwick, PIERCE of Dresden, STROM of Pittsfield.  
 Bill "An Act To Support Maine's Working Families through Universal Child Care"  
 (H.P. 1114) (L.D. 1618)  
 Sponsored by Representative SYLVESTER of Portland.  
 Cosponsored by Representatives: ACKLEY of Monmouth, COLLINGS of Portland, HYMANSON of York, MADIGAN of Waterville, O'NEIL of Saco, RECKITT of South Portland, TALBOT ROSS of Portland, TERRY of Gorham.  
 Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.  
**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.  
 Sent for concurrence.

Bill "An Act To Initiate the Process of Terminating the Maine Turnpike Authority"

(S.P. 37) (L.D. 89)

(H.P. 1113) (L.D. 1617)

Sponsored by Representative ESPLING of New Gloucester. (GOVERNOR'S BILL)

Cosponsored by Senator BRAKEY of Androscoggin.

Committee on **TRANSPORTATION** suggested and ordered printed.

**REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent for concurrence.

**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. 1112) (L.D. 1616)

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 LONGSTAFF of Waterville, the following House Order: (H.O. 35)

**ORDERED**, that Representative Betty A. Austin of Skowhegan be excused April 19 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Matthew Dana II of the Passamaquoddy Tribe be excused April 4, 6, 11, 13, 18, 19, 20, 25, and 27 and May 2, 4, 9, and 11 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Aaron M. Frey of Bangor be excused May 9 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Lloyd C. Herrick of Paris be excused May 16 for legislative business.

**AND BE IT FURTHER ORDERED**, that Representative George W. Hogan of Old Orchard Beach be excused February 16, and March 14 and 23 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Deane Rykerson of Kittery be excused May 9 for personal reasons.

**READ and PASSED.**

**REPORTS OF COMMITTEE  
Divided Reports**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-101)** on Bill "An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin" (EMERGENCY)

Signed:  
Senators:

HAMPER of Oxford  
BREEN of Cumberland  
KATZ of Kennebec

Representatives:

GATTINE of Westbrook  
FREY of Bangor  
HUBBELL of Bar Harbor  
JORGENSEN of Portland  
MARTIN of Eagle Lake  
TEPLER of Topsham

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

Signed:

Representatives:

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

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-101).**

**READ.**

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

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

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

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

**ROLL CALL NO. 119**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Bryant, Campbell, Cardone, Casas, Cebra, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Dillingham, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Gillway, Golden, Grant, Grohman, Hamann, 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, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce J, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Simmons, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Ward, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Chace, Corey, Craig, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Sirocki, Skolfield,

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

ABSENT - Brooks, Herrick, Sheats.

Yes, 88; No, 58; Absent, 3; Excused, 2.

88 having voted in the affirmative and 58 voted in the negative, with 3 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-101)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 23, 2017.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-86)** on Bill "An Act To Provide Lung Cancer Screening for MaineCare Recipients"

(S.P. 237) (L.D. 720)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York

CHACE of Durham

DENNO of Cumberland

HAMANN of South Portland

MADIGAN of Waterville

PARKER of South Berwick

PERRY of Calais

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

Signed:

Senators:

BRAKEY of Androscoggin

HAMPER of Oxford

Representatives:

HEAD of Bethel

MALABY of Hancock

SANDERSON of Chelsea

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-86)**.

**READ**.

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

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

Representative **RECKITT**: Madam Speaker. I want to thank you and the members of the House for listening for a moment with regard to LD 720. My mother died of lung cancer. She wasn't diagnosed until she was fourth stage lung cancer. You'll be surprised to hear, those of you that know me better than others, that she was a strong and stubborn woman. I inherited a lot of traits from her. Fortunately, I have not, to date at least, inherited a tendency to lung cancer, although I do have COPD and I really urge you to help every person possible to diagnose early enough. She fought like a steer under chemotherapy for two and a half years before she succumbed. But she didn't know early enough and it was inoperable. I urge you to help people find it out early enough so that

chemotherapy can work and that people could live, those that we love could live. Thank you very much, Madam Speaker.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-86)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-86)** in concurrence.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Bill "An Act To Reduce Youth Cancer Risk"

(S.P. 289) (L.D. 889)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York

CHACE of Durham

DENNO of Cumberland

HAMANN of South Portland

MADIGAN of Waterville

PARKER of South Berwick

PERRY of Calais

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

Signed:

Senators:

BRAKEY of Androscoggin

HAMPER of Oxford

Representatives:

HEAD of Bethel

MALABY of Hancock

SANDERSON of Chelsea

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

**READ**.

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

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow Fees To Be Charged for Wild Game Dinners"

(S.P. 202) (L.D. 587)

Signed:

Senators:

CYRWAY of Kennebec

WOODSOME of York

Representatives:

DUCHESNE of Hudson

ALLEY of Beals

HARLOW of Portland

NADEAU of Winslow  
REED of Carmel  
STEARNS of Guilford  
THERIAULT of China

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** on Bill "An Act To Protect Worker Wages and Benefits"

(S.P. 35) (L.D. 86)

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-84)** on same Bill.

Signed:  
Senator: BELLOWS of Kennebec

Signed:  
Representatives:  
MASON of Lisbon  
WOOD of Greene

Representatives:  
FECTEAU of Biddeford  
BATES of Westbrook  
DUNPHY of Old Town  
HANDY of Lewiston  
MASTRACCIO of Sanford  
SYLVESTER of Portland

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84)**.

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

**READ.**  
Representative DUCHESNE of Hudson moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Signed:  
Senators: VOLK of Cumberland  
LANGLEY of Hancock

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representatives:  
AUSTIN of Gray  
LOCKMAN of Amherst  
STETKIS of Canaan  
VACHON of Scarborough

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

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

**ROLL CALL NO. 120**

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-100)**.

**YEA** - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Bryant, Campbell, Cardone, Casas, Collings, Cooper, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Gillway, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, Melaragno, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Spear, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Wallace, Warren, Zeigler, Madam Speaker.

**READ.**  
On motion of Representative FECTEAU of Biddeford, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Require Candidates To Be Listed as Unenrolled If Not Registered with a Recognized Party"

(H.P. 408) (L.D. 568)

Signed:  
Senator: CARPENTER of Aroostook

Representatives:  
LUCHINI of Ellsworth  
CASÁS of Rockport  
HICKMAN of Winthrop  
LONGSTAFF of Waterville  
MONAGHAN of Cape Elizabeth  
SCHNECK of Bangor

**ABSENT** - Brooks, Daughtry, Lawrence, McLean, Monaghan, Pouliot, Sheats.

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-188)** on same Bill.

Signed:  
Senators: MASON of Androscoggin  
COLLINS of York

Yes, 72; No, 70; Absent, 7; Excused, 2.  
72 having voted in the affirmative and 70 voted in the negative, with 7 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Representatives:

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

**READ.**

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **TURNER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. I'm not sure if you all know that one of my many municipal offices that I have held was that of a Town Clerk. I was responsible for running the elections in my hometown of Burlington for over 10 years. Process and accurate information to the voters was, and still is, very important to me. LD 568 has no hostile intent towards anyone who is not affiliated with a party. As a matter of fact, I was briefly Unenrolled at one point. Why join a party? Speaking only for myself, it was because I identified, mostly, with the Republican platform. My husband, on the other hand, has been Unenrolled for 35 plus years, and does not wish to be affiliated with any particular party, similar to most people that I have spoken to who are Unenrolled. They wish to be independent of party rules or limited to one particular framework of ideals. Under current state law, the only parties presently recognized are Democrats, Green Independents, and Republicans. All other voters are listed as Unenrolled. Unenrolled still means they are registered to vote, but they do not wish to belong to an organized party. This past election for House District 141, there was a Democrat and myself on the ballot. Not all voters knew us and some folks made their decision based on the party affiliation that was below our name. Nonetheless, Unenrolled candidates can, according to Title 21-A, subsection 307, use a party designation that does not exceed three words in length, does not use the abbreviation of the name of the state, does not use the established party's designation, cannot use independent designation without another descriptive word or words if in a primary election, and they cannot use obscenities in their designation. If I had been Unenrolled, I could have used a campaign slogan that would appear to voters in my district, such as "Rural Roads Matter," "Independent Rural Voice," "Your Augusta Voice," "Conservative Rural Voice," or "You're Not Forgotten." What about "Civility Matters," "Integrity Matters," or "The Honest One?" This could imply, if you were running against someone who uses one of these slogans, you are not honest, trustworthy, or civil. If you saw my name on the ballot with one of these slogans, it would really get your attention. Some would even call this a marketing tool paid for by taxpayers. The taxpayers of this state are paying for these ballots and, under current law, it allows the Unenrolleds to turn them into campaign literature, in my opinion. I am not sure about you, but my palm card had a campaign slogan on it. If current statutory language remains intact, I say organized parties should be allowed to use two or more words to describe themselves, since just the words Democrat, Green Independent, or Republican does not necessarily describe organized candidates. On the Secretary of State's website for instructions on filling out a voter registration card, it states that party affiliation is required. "Voters must check the box if they want to be a member of one of the three qualified political parties in Maine, in order to participate in a party primary, caucus, convention, or other political party's activities. Voters

who check 'other qualifying party' (with or without writing a designation on the line provided) and voters who choose Unenrolled (no party choice) will be designated as "U" on the voting list and will not be eligible to vote in primaries, caucuses, and conventions." My point here is that it doesn't give the voter the choice to choose three words to describe themselves on the voting list. If they are not of one of the three qualified political parties, they are listed simply as a "U." Yes, you will hear, there was a Supreme Court case here in Maine, but that was because, at the time, Unenrolleds had nothing below their name on the ballot. Nothing was allowed. And it isn't what LD 568 is proposing to do. When I filed this proposal with the Revisor's Office, I made it clear that I did not wish to stop someone from running as a candidate under a party that was forming but yet not at the threshold of 5,000. So, LD 568 does allow for Unenrolleds to choose a word to describe themselves. It does allow parties forming to use up to three words. As such, I urge you to defeat the pending motion. Thank you, Madam Speaker and Ladies and Gentlemen of the House. Madam Speaker, I request a roll call.

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

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

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

Representative **CASÁS**: Thank you, Madam Speaker, Women and Men of the House. I just want to expand a little bit on the actual provision that we're discussing. So, this three-word descriptor has actually been in state statute since 1891. This section has been revised four times and through every one of those revisions, not once was this three-word descriptor struck or altered at all. The First Amendment provides for, yes, freedom of speech, but also freedom of association, and if challenged in court, like Representative Turner was referring to, I do not believe that there is a compelling enough state reason for the court to uphold striking this provision. The Maine Superior Court case that was referred to was in 1986, it was *Huber v. Secretary of State*, and in Deputy Secretary of State Julie Flynn's testimony on this in committee, it reads, "The Court held that the rights of petition candidates and voters to a neutral election process, to freedom of speech and association, and to equal..." Of course someone would call me right now as I'm reading this stuff. "And to equal protection of the laws were infringed by the disparate treatment of candidates promoted by the law." I believe that this is a freedom of association issue, Madam Speaker. I believe that if this provision, or this bill, is not struck down then it will be challenged in court and that the State of Maine will be on the hook for the cost of that, because I do believe that it will be found to be unconstitutional. I appreciate the time.

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

Representative **ACKLEY**: Thank you, Madam Speaker. Madam Speaker, for over 100 years, we've had the ability to have Common Sense on the ballot, and now we have it. Apparently, that's a problem. I rise to ask members to leave the ability to have Common Sense Independent on Maine's ballot.

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

Representative **SIROCKI**: Thank you, Madam Speaker. I wondered if I might pose a question through the Speaker?

The SPEAKER: The Representative may proceed.

Representative **SIROCKI**: Are three words allowed for the other parties to use as adjectives, descriptors, or are the Republican and Democrat or Green Independent parties only allowed to use those as identifying words? Thank you.

The **SPEAKER**: The Representative from Scarborough, Representative Sirocki, has posed a question through the Chair, if there is anyone who is able to answer. The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: If you are in a designated party, one of the three, you are only allowed to use Republican, Democrat, or Green Independent. Thank you.

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

**ROLL CALL NO. 121**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, 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, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Seavey, Spear, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, 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, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Brooks, Sheats.

Yes, 76; No, 71; Absent, 2; Excused, 2.

76 having voted in the affirmative and 71 voted in the negative, with 2 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-185)** on Bill "An Act Regarding the Maine Clean Election Fund"

(H.P. 846) (L.D. 1210)

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

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

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

Signed:

Senators:

MASON of Androscoggin  
COLLINS of York

Representatives:

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

**READ.**

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

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

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

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

**ROLL CALL NO. 122**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, 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, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, 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, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Brooks, Sheats.

Yes, 77; No, 70; Absent, 2; Excused, 2.

77 having voted in the affirmative and 70 voted in the negative, with 2 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-185)** 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-185)** and sent for concurrence.



**CONSENT CALENDAR**

**First Day**

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

(S.P. 46) (L.D. 98) Bill "An Act To Eliminate Permits for Wild Turkey Hunting, Expand the Bag Limits and Expand Opportunities for Registering Wild Turkeys" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-102)**

(S.P. 55) (L.D. 136) Bill "An Act Regarding the Eviction Process" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-98)**

(S.P. 136) (L.D. 409) Bill "An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-99)**

(H.P. 977) (L.D. 1419) Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Late-filed Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 238) (L.D. 324) Bill "An Act To Allow Corrections Officers To Administer Naloxone" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-191)**

(H.P. 562) (L.D. 782) Bill "An Act To Provide a Sales Tax Exemption for Certain Veterans' Facilities" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-193)**

(H.P. 870) (L.D. 1247) Bill "An Act To Repeal the Income Tax on Pick-up Contributions Paid to the Maine Public Employees Retirement System and To Clarify the Taxation of Pick-up Contributions Distributed in the Form of a Rollover" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-194)**

(H.P. 979) (L.D. 1421) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-195)**

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

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

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

**ENACTORS**

**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Protect against Sex Discrimination

(H.P. 153) (L.D. 197)  
(C. "A" H-133)

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

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

**Emergency Measure**

An Act To Repeal the Sunset Date on the Children's Guardians Ad Litem Law

(H.P. 324) (L.D. 457)  
(C. "A" H-152)

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

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I rise briefly just to explain this emergency measure in front of us, the repeal of the sunset date on the children's guardian ad litem law. Four years ago, there was a widespread outcry from our constituents all over this state, who had been through volatile divorces, and in some of those volatile divorces, the court appoints a guardian ad litem to determine the best interest of the child in those divorces. And many of our constituents came to our committee, came to this Legislature four years ago, with very serious concerns that their guardian ad litem had not acted appropriately, had not considered all the appropriate factors in the best interest of the child, had over-billed them, a range of concerns, and our committee took that very seriously and we heard their cry for reform. We had probably nine, 10, 11 work sessions just on that one bill, and we passed some very important reforms that have made a difference for families in Maine. They included: establishing and maintaining a roster of approved guardians ad litem; the establishment of standardized billing and time reporting processes; establishing a method of collecting, maintaining, and reporting data about the appointment of guardians; developing a complaint and removal process for a guardian who is acting inappropriately in a case; requiring the Judicial Branch to establish credentials, including professional licenses and minimum educational requirements; requiring a program of continuing education; establishment of a standard of conduct for guardians ad litem; and the development of multiple forms that the judges would use in these cases. When we passed that bill, we weren't completely sure how all of these reforms would end up working in the long run, so we attached a sunset onto it that said it would expire in four years if the Legislature did not take action. So, here we are, four years later. The bill ended up being delayed on implementation because of the cost of the fiscal note, so the Appropriations Committee set it to take effect about a year and a half after we actually passed it. So, we are just now past the one year mark of these reforms going into effect. Our committee has just gotten the first report back from the Chief Judge of the District Court, letting us know how those reforms are going and what steps the Judicial Branch is taking to implement them. It is safe to say that our committee recognizes that the reforms were not perfect. We have more work to do on these issues. We've had multiple bills this session dealing with guardians ad litem and we will continue to work in a bipartisan and, so far, a unanimous way to address these issues. But if this bill does not pass, all of the reforms that we've passed go away, and I'm afraid that if that were to happen, our constituents would be back here next year saying, "We want caps on fees, we want a complaint and removal process," and we have all of those

things now, all we need to do is vote to keep them. So, I urge you, Madam Speaker and Men and Women of the House, to vote to pass this measure, to keep the reforms that we have, as a starting place for more work to continue. Thank you.

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

Representative **GUERIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would like to stand in support of my colleague's comments. Representative Moonen and I were both on the committee that enacted this original legislation and, although it is not perfect, it was a long way from where we had started; and, as he said, we had multiple work sessions trying to get it down to being workable with a fiscal note that was acceptable. And I would be very sorry to see the House turn back the clock on the good changes we've made, and people have been happy with many of the changes. Is it a perfect product? No, it isn't, and I would encourage people as they have ideas about guardians ad litem to bring forth their ideas and new legislation because we are still working on it; but we have a good base to go from and I hope that the body will support this bill.

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 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act To Amend the Laws on Domestic Violence  
(H.P. 368) (L.D. 524)  
(C. "A" H-138)

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. 138 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.

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**Emergency Measure**

An Act To Allow a Physical Therapist To Administer Certain Coagulation Tests in a Patient's Home  
(H.P. 581) (L.D. 801)  
(C. "A" H-136)

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. 138 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act Making Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2017  
(S.P. 341) (L.D. 1034)  
(C. "B" S-35)

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. 129 voted in favor of the same

and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act To Amend the Requirements for Licensure as an Independent Practice Dental Hygienist  
(H.P. 763) (L.D. 1085)  
(C. "A" H-119)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act To Amend the Veterans Service Laws  
(H.P. 844) (L.D. 1208)  
(C. "A" H-140)

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 Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services  
(H.P. 941) (L.D. 1364)

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. 131 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Include 50 Milliliter and Smaller Liquor Bottles in the Laws Governing Returnable Containers  
(H.P. 43) (L.D. 56)  
(H. "A" H-132 to C. "A" H-107)

An Act Regarding the Payment of Back Child Support  
(S.P. 30) (L.D. 81)  
(C. "A" S-75)

An Act To Protect Personal Information of Participants in a Community Well-being Check Program  
(H.P. 152) (L.D. 196)  
(C. "A" H-126)

An Act To Provide Funding for the Maine Coworking Development Fund  
(H.P. 218) (L.D. 285)  
(C. "A" H-114)

An Act To Improve the Administration of Election Returns  
(H.P. 230) (L.D. 297)  
(C. "A" H-156)

An Act To Encourage Regional Planning and Reorganization

(H.P. 242) (L.D. 328)  
(C. "A" H-150)

An Act To Repeal Certain Requirements Concerning the Sale and Purchase of Firearms

(H.P. 256) (L.D. 350)  
(C. "A" H-137)

An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities

(H.P. 292) (L.D. 401)  
(C. "A" H-109)

An Act To Create the Water Resources Planning Committee

(H.P. 302) (L.D. 422)  
(C. "A" H-94)

An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red

(H.P. 306) (L.D. 426)  
(C. "A" H-130)

An Act To Amend the Charter of the Richmond Utilities District

(H.P. 537) (L.D. 757)  
(C. "A" H-115)

An Act To Streamline the Municipal Review Process When Dividing a Structure into 3 or More Dwelling Units and To Amend the Process for Recording Subdivision Variances

(S.P. 250) (L.D. 805)  
(C. "A" S-70)

An Act To Promote Small Diversified Farms and Small Food Producers

(H.P. 584) (L.D. 835)

An Act To Establish the Summer Success Program Fund

(H.P. 647) (L.D. 919)  
(C. "A" H-113)

An Act Regarding the Cancellation of Subscription Services

(H.P. 671) (L.D. 943)

An Act To Promote Medical Care for Visiting Athletic Teams

(S.P. 324) (L.D. 985)  
(C. "A" S-71)

An Act Regarding the Contents of a Commercial Vehicle Towed without the Consent of the Vehicle's Owner

(H.P. 724) (L.D. 1022)  
(C. "A" H-153)

An Act To Update the Statutes under Which Maine's Credit Unions Are Chartered

(H.P. 738) (L.D. 1055)  
(C. "A" H-142)

An Act To Allow Promotional Allowances by Gas Utilities

(H.P. 814) (L.D. 1151)  
(C. "A" H-151)

An Act To Amend the Insurance Laws Governing the Provision of Rebates

(S.P. 382) (L.D. 1161)  
(C. "A" S-72)

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

**Resolves**

Resolve, To Expedite the Processing of Applications for Certification under the Work Opportunity Tax Credit

(H.P. 905) (L.D. 1308)  
(C. "A" H-118)

Resolve, To Name the Bridge over the Androscoggin River between the Towns of Peru and Mexico the PFC Buddy Wendall McLain Memorial Bridge

(H.P. 969) (L.D. 1395)  
(C. "A" H-125)

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

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

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-158)** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Prohibit the Mining of Massive Sulfide Ore Deposits under the Maine Metallic Mineral Mining Act"

(H.P. 118) (L.D. 160)

TABLED - May 17, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

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

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

Representative **TUCKER**: Madam Speaker. I wish to speak to my motion. Mining. I've already moved the 12-1 Environment Committee Majority Report Ought Not to Pass. This bill, LD 160, would repeal the Metal Mineral Mining Act and ban all metal mining in Maine. Attempting an absolute metallic mining ban is not the most reliable and assured way to protect Maine's ground and surface waters from the risk of acid mine drainage due to metal mining. There are better and more reliable ways to accomplish the same goal; and these methods are realistic, and more importantly, possible. It may be true that our current mining law, passed hastily in 2012, does not have adequate environmental safeguards or financial protections against acid mine waste. This is why the Legislature refused approval of weak regulations implementing the law. If all we do is attempt a statutory ban on all metallic mining, and nothing else, then if the ban fails to come about, we will be right back where we have been since 2012, with unsafe mining. There are other ways to reduce the risks of metal mining, eliminating the need for a ban. These protections are what legislators, the public, and numerous environmental groups have been clamoring for all along. For example, the need for an absolute ban could be lessened if we prevent open pit mining for metals, which is hazardous given Maine's high-sulfide ores, white climate, fractured geology, and plentiful ground and surface waters. A mining ban would be less needed if we could prohibit risky tailing ponds, reducing the risk of flooding and dam collapse. Instead, tailings could be required to be dry stacked, a much safer technique. A prohibition on mine permits in, on, or under public lands could reduce current risks to public lands without a flat mining ban.

The need for a wholesale ban on mining would be lessened if no mining were allowed in, on, or under lakes, ponds, and coastal wetlands. A need for a ban would be lessened a lot if there were dramatically reduced mining areas, tighter than most in the country, with vigorous monitoring. The financial risks used to justify a wholesale ban on mining would be dramatically reduced if there were financial assurance trust funds estimated by an independent third party, enough to cover a worst-case scenario, or a catastrophic mining event or failure. Such protections could be a precedent in the United States and reduce the need for a mining ban, and more politically feasible. With these protections in place, an express ban is not required. Only responsible mining companies ready to spend the money to do it right would come to Maine. Now, there was sufficient factual and scientific evidence in our committee to justify that metallic mining can be done much more safely than current law would allow, without a ban on metallic mining. Fervent attempts to refight the 2012 mining debate are not useful. Attempts to repeal, ban, or study mining further would be tilting at windmills. On the other hand, there are better and known methods of reducing risk which, if locked in statute, are within our grasp and would provide a more durable bullwork against future erosion of environmental protections. If we fail to achieve a ban on metal mining, and nothing more substantive than that, this would leave the weak existing law on the books and risk widespread future open pit metallic mining in Maine, with tailing ponds and less financial assurance, which is worse. We can't just stick our heads in the sand. Do not let the desire for perfection be the enemy of the possible. It is not practical to hope for a ban or repeal of Maine's Metallic Mining Law. Other methods are available to provide significant environmental protections from what we have today. The alternative is less environmental protection. The idea of a metallic mining ban would simply degenerate into more political strife and distract us from pursuing responsible mining.

And now on a personal note, to my friends and colleagues who want an absolute, out of absolute principle, want a ban on mining, all or nothing, I would say this; we all have our personal principles, our absolutes, and while I'm sitting here listening to other people debate, I often think of such keystone principles when I look up in this hall and see the keystones that are over those windows, and it reminds me of a speech Senator Edmund Muskie used to give to the party faithful when I was a young lawyer studying under the Speaker's father-in-law. Muskie, as you remember, was then sponsor of the historic Clean Water Act and the Clean Air Act in the early 1970s. Muskie, as a statesman and veteran legislator, always came back home to give advice. In fact, Muskie served in this House, and sat right around where the Representative from Dresden now sits. You can find Muskie in the pictures in the back of the hall, and Muskie's sermon went like this, and I paraphrase from memory: "Like all of you I try to always adhere to my highest principles without deviation. In your work, be steadfast on values, be an idealist, seek perfection, be stubborn, be demanding, be persistent. You must remain rigid in adhering to your principles, take pride in being a principled person. Never, ever deviate from those basic values. You must be an absolutist when it comes to adhering to highest principle. Like you, I don't give up, I always keep the final goal in mind and one of my most basic and highest principles, I will share with you here today. Among my most successful and cherished of absolute values is one of the most unbending principles in this short life, and that high principle, one of my highest principles, is compromise." Muskie would

then go on to say, compromise is how marriages survive. Compromise is how families endure. Compromise allows town government to function. Compromise achieves results. Compromise is the keystone principle. Note that those keystones over each window of this House Chamber are held up by both sides of the arch. Each side of the arch pushes against in opposition to its opposite. That keystone is the compromise that keeps the arch and the walls from falling down. So please, do not let your idea of the perfect result be the enemy of the possible. There are other ways of protecting our waters, and our pocketbook, from the current risks of mining, rather than a simplistically appealing, but unlikely, ban. Please vote green with the 12-1 well-studied Majority ENR Report Ought Not to Pass and think of more responsible ways to deal with this issue, coming up soon. Madam Speaker, I request a roll call.

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

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

The **SPEAKER**: Before we proceed any further, I just want to remind folks if you need to have conversations please take them outside of the chamber during debate. The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Madam Speaker. Friends and Colleagues of the House, as you may know of the 151 districts that we represent in this chamber, I alone represent a district in Maine that has had many commercial metal mines in the past century. The bill before us, which bans mining, is at one end of a spectrum. The other end of the spectrum is unregulated mining, and in between is some form of regulation. So, I want to address three questions. One of them is, what are the reasons for banning mining? Second, why have I advocated for responsible regulation rather than a ban over the last five years? And number three, what is my updated conclusion? Before I address those particular questions, I think it's important for me to describe for you what the experience has been in my district with the mines that are there. Obviously, when you hear these descriptions you will recognize that we do not want to repeat the experiences that my district has suffered. That is not at issue. But what is at issue is for you to consider, as I describe the mines in my district, how would a similar outcome be prevented by regulated mining. In other words, what would be necessary for us to regulate mining in a manner so as not to repeat the circumstances in my district?

So, first I will describe the Callahan Mine. It's in my hometown Brooksville. It's an open pit mine. The pit was in the intertidal zone so you cannot see it because it's presently flooded with ocean water. The tide rushes in and out every day, twice a day. Most of the water in the mine is below the mixing layer. The mine is about 750 feet in diameter, about 350 feet deep. You cannot see the mine. You can get a sense of where it is from the revised shoreline. But you can see the waste rock piles. The waste rock piles rise about 150 feet or so, roughly the height of the State House that we're in at the moment, is the height of the waste rock piles. There is also a tailings pond. It is an EPA superfund site. The current cost estimate from the EPA was recently raised from \$23 million to \$45 million. The State of Maine is responsible for 10 percent of those costs, meaning that the Maine taxpayers are currently on the hook for \$4.5 million to work on remediation work at the Callahan Mine. We're paying that at the current rate of about three quarters of a million dollars per year. If you're interested

to know, it's in our transportation budget. At the present time, the tailings pond is under an effort to be dewatered. That is to say, one of the difficulties with mining is the tailings storage facility failures. There was a spectacular failure at Mount Polley in the last couple of years which has caused the EPA to reevaluate the ways in which tailings storage facilities are attended to, that tailings, let me explain this. The tailings are a fine sand and it's a slurry, it's a slurry of fine sand that's left over. It was the rock that was pulled out of the mine and crushed up and separated from the metallic-containing portions of the rock, and the non-valuable part then is this slurry. It's still toxic. It's toxic from both the chemicals that were used in the beneficiation process of separation of the metallic parts from the non-metallic parts. It's also toxic because it does contain some of the metals that were intended to be saved. So, in addition to the current attempt to dewater the tailings pond, which is not going well, there is a continuous leaching of heavy metals that's flowing into the estuary, bioaccumulating in the plants, fish, and birds in the area. Now, not one penny of the \$45 million, not a single penny of that \$45 million, is going to remediate the groundwater contamination. And the reason for that is very simple; when groundwater is contaminated with dissolved heavy metals, there is no mechanism for fixing it. It is a permanent contamination. There is no known technology for remediating contaminated groundwater, and for that reason, not a single penny of the \$45 million is going to fix that part of the problem.

The other mine in my district is the Kerramerican Mine in this town of Blue Hill, the largest town in my district. It's an underground mine. It was sealed a few years ago, eight years ago. Some waste rock has been covered with a geosynthetic cover. There is still a tailings pond. That tailings pond is still, is leaching continuously contamination into the surface waters. About 100 pounds of dissolved zinc per day is leaching from the tailings pond in Blue Hill into the Carleton Stream. Carleton Stream, which begins a few miles away and is a pristine stream at that location, is classified under the State's Surface Water Classification System as a Class C stream. That is the lowest classification. It's an industrial-use classified stream, and yet the contamination flowing into it has raised the contamination level a factor of 30 times the allowable level for the contamination in the lowest classification of surface water in the state. There is nothing being done about that continuous daily contamination of our surface water. Now the contaminated groundwater plume under the mine has now migrated beyond the boundaries of the site property and is underneath private property. Again, nothing can be done about that. The state was, by Federal District Court Order, required to monitor some work that was done at the Kerramerican Mine site about eight years ago. They were required to monitor it for five years. They only issued their first report of that monitoring a couple weeks ago, after they testified falsely before the committee that they had already written the report. But, I do have the report and it gives a recommendation for the groundwater contamination plume that is now under private property, and their recommendation is that the state should notify property owners to have their wells tested. The state has not done so yet, of course, but, that is the only action our Department of Environmental Protection can take to deal with a groundwater contamination problem in my district. The Department of Environmental Protection is not even putting in monitoring wells to find out how far the groundwater contamination plume has travelled. Now, having summarized what the situation is in my district, and I've not given you the social or psychological affects but just to

describe what the mines are like, let me go back now to addressing the questions I said I would address. What are the reasons to ban mining? Mining is the most environmentally polluting industry. Within the mining industry, sulfide mining carries the greatest liability of different mining types. The deposits in Maine are largely sulfide deposits. The deposit at Bald Mountain is a sulfide deposit; the deposits in my district are sulfide deposits. They're not limited to the coast or the mountains, they are spread over large areas of Maine. They were formed 300 to 500 million years ago. They exist now where other rock has prevented air and water from eroding them away. Wet climates, and therefore cold climates, are the most difficult climates for sulfide mines, and the reason is that when you open up a sulfide mine and expose the sulfide material to air and water from which it has been protected for these hundreds of millions of years, a chemical reaction takes place. It oxidizes and it turns into, the water turns into sulfuric acid and that sulfuric acid dissolves the metals and carries it into the water, and this is what the good Representative from Brunswick, Representative Tucker, referred to as acid mine drainage or acid reactive drainage, and once started it cannot be stopped. If water treatment is applied to it, it's water treatment in perpetuity at high cost per year. And finally, the mine risk, the risk of different deposits is dependent upon two factors. One is what neutralizing capability there is in the region associated with the acid-producing potential of the deposit. That neutralizing potential to acid producing potential ratio is one of the metrics for determining the risk of a mine. The other is what's the concentration of other toxic materials? And the best-studied unmined deposit in North America, which is here in Maine in Aroostook County, is a very high-risk mine. It has a very low neutralizing potential to acid-producing potential ratio and it has a very high concentration of other toxic materials, particularly arsenic. So, Maine's deposits are therefore, because they're high risk, they are the worst, because it is in a wet climate of the worst, because there's sulfide of the worst, because they're mining of the worst environmental pollutants in the world. No sulfide mine has operated within its permit. Every sulfide mine has contaminated the groundwater permanently. Now, if you're looking for a reason to ban mining, I've just gone through the whole litany. Well not the whole litany, I've gone through enough that I think you'd be satisfied to find a reason there.

So, I'm going to address the second question, which is why have I advocated for responsible regulation rather than banning mining over the past five years? And there are two reasons. The first is that although at the present time, with the known deposits in Maine and the current metal prices, and what I've mentioned before of the cold wet climate, the high risk of the deposits, etc., our mining is very unattractive to any responsible mining company at the present time. However, I cannot predict when a new deposit might be discovered, or when the metal prices might rise, or when a new technology might be developed that would allow mining a high-risk deposit. It takes a great deal of time to put a regulatory framework in place, and that's easily seen by the last five years of our failed effort to do so. We ought to be ready in Maine for the time in which conditions might put considerable added pressure on us to have metal mining. And, let me parenthetically note here that one of the reasons given five years ago for drastically reducing the environmental protections of our mining laws was for the creation of jobs, and I just want to mention that the job estimates in the last few years have ranged from 200 to 700 jobs for mining Bald Mountain. Those estimates, those numbers, all came from

numbers supplied by the company that publicly stated its intent to mine Bald Mountain, and none of those numbers subtract the numbers of jobs lost. Just as a reminder, Maine's largest industry, tourist industry, employs about 56,000 people, I'm sorry 53,000 people. Our agricultural industry employs about 26,000 people. If we had a reduction in our tourism and agricultural industries of only one percent, that would be a loss of twice as many jobs, permanent jobs, over those temporary jobs that would be created by mining. On the other hand, I don't really believe the mining company estimates for job creation, since in my district they were over-estimated by a factor of 10, back in the 1960s and '70s. Fewer than one tenth the number of jobs promised were created. The second reason why I have advocated for developing a responsible regulation for mining is because we are in a position known for our environmental quality efforts and because of our need to try to do something with our current legislation, I mean our current statute, which is itself inconsistent and needs some type of fix. We are in a good position to develop a regulatory structure that we can export, and by exporting our regulatory structure, what I mean is other states and other nations around the world could use a decent regulatory structure for regulating metal mining. And, in that way we would be helping people around the world.

Now, what is my updated conclusion now that I've given you both the reasons to ban mining, and some reasons for developing a good regulatory framework? There are two ingredients necessary for effective regulation of a potential catastrophic industry, and mining is an industry with potential catastrophes and, obviously, long-term, permanent damage. One ingredient is the industry has to have the ability, in this case to mine metals, without serious environmental damage. I have assumed that the better parts of the industry were able to do this. I'm not certain of that, I have no proof of that, but I'm told that maybe the 10 percent of most responsible mining companies actually have internal policies that are better than the regulatory structures in the jurisdictions in which they mine. And I'm assuming that the industry does have that capability. The second ingredient, though, is the ability of the government to implement a regulatory structure. And I now know, as of a few weeks ago, that the government in Maine, at least at this time, lacks the institutional capacity to access the necessary expertise to be able to implement an effective regulatory structure. As a citizen Legislature, it's particularly difficult for us to even know how to identify experts. Therefore, our only option, at present, is to ban mining and oppose the pending motion. Finally, Madam Speaker, I'll close with a short story, a story which I alone in this chamber can tell. One of my sons, who is now in his 30s, when he was in elementary school, so, this story is a couple decades old, I wrote a note for him to take to school one day. And the note said, To Whom It May Concern, and simply the note was giving permission for him to get off the school bus at his friend's house. Now, I live in a rural area, his friend lives seven miles away. In order to affect playtime for my children's friends, this was a common experience especially on a Friday afternoon, to have the child dropped off at their friend's house or the friend dropped off at our house. The child plays for the rest of the day, stays overnight and I pick up my son the next morning. And I did. I picked him up the next morning and on the way home I say, "Well, how was your visit with your friend?" He said, "Oh, we had a good time." And I say, "Oh, what did you do?" And he says, "Oh, well we played and so forth and we went across the street and we played in the old mine." Of course, this story is as they say several decades old. So, this was before the acute

hazards of the PCB contamination at the mine site were known. This was before the mine site was declared a superfund site. It was before any of the remediation work had begun. But I would like to state very simply, that mine sites with permanent storage of wastes, permanent contamination of waters, should not be our children's playgrounds. Thank you, Madam Speaker.

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

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Madam Speaker. Men and Women of the House, LD 160 is my bill. Please kill my bill. Honestly, I will be voting against my own bill, Madam Speaker. My intention was to ban mining if we couldn't come up with something better, and as you can see from the calendar today, 12/13ths of the committee thinks we came up with something better. I believe my bill now is an attractive turn onto a dead-end road. It got no support in the hearing. Madam Speaker, we had a full house, standing room only, and in another room, and not one person supported this bill, I'd have to say insufficient support on any floor in this building. I believe we have to do something this session and I think my bill is a principled way to do an unfortunate nothing. So, I will be opposing me on this bill and I would invite everybody else to oppose me as well. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I believe that the best way to stop pollution is to never allow it in the first place, so I would disagree with the good Representative from Brunswick. I think that mining in Maine is short-term gain, some jobs, and long-term cost and pollution. I don't believe that this is a wise policy for Maine. I've been on the committee for almost seven years and I've not changed my position. The risk is too great. Maine relies on its clean water, clean air, and clean land. We're tourism-based. This is what we rely on and we're putting that at risk if we don't ban it, in my opinion. As far as what's possible, we decide what's possible. As far as this being a principled vote, if this is what you believe, aren't we here to vote for what we believe? Very difficult, excuse me. I will just end here and say please, please defeat the current motion. Thank you, Madam Speaker.

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

**ROLL CALL NO. 123**

YEA - Austin B, Austin S, Bates, Battle, Berry, Bickford, Bradstreet, Bryant, Campbell, Casas, Cebra, Chace, Corey, Craig, DeChant, Denno, Dillingham, Duchesne, Dunphy, Farrin, Fay, Fecteau, Foley, Gattine, Gerrish, Gillway, Ginzler, Grant, Grohman, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kumiega, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Martin J, Martin R, Mason, Mastraccio, McCrean, McLean, Nadeau, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Riley, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sherman, Simmons,

Sirocki, Skolfield, Spear, Stanley, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tucker, Tuell, Turner, Wallace, Ward, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Ackley, Babbidge, Bailey, Beebe-Center, Black, Cardone, Chapman, Collings, Cooper, Daughtry, Espling, Farnsworth, Fuller, Golden, Guerin, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Kornfield, Lawrence, Marean, McCreight, McElwee, Melaragno, Monaghan, Moonen, O'Connor, O'Neil, Parker, Perry, Reckitt, Rykerson, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Vachon.

ABSENT - Alley, Blume, Brooks, Fredette, Frey, Grignon, Perkins, Sheats, Wadsworth.

Yes, 98; No, 42; Absent, 9; Excused, 2.

98 having voted in the affirmative and 42 voted in the negative, with 9 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

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SENATE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (S-73)** - Minority (1) **Ought Not to Pass** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Protect Maine's Clean Water and Taxpayers from Mining Pollution"

(S.P. 265) (L.D. 820)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-73)**.

TABLED - May 16, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

Representative TUCKER: Madam Speaker, I stood at this same mic two years ago and I was on the opposite side of the question. I was arguing against mining rules, and as I read the legislative history I noticed that what I was looking for at that time, my criticisms have now been resolved. What I said then was that these rules and changes are welcome but they danced around the issue and did not change the high risk of the pollution of groundwater with acid drainage. And I was expressing my disappointment in those rules. I said more substantive regulatory changes were not considered. Design requirements might prevent the need for active treatment of drainage at all of the Maine mines, as advocated by the respected professor of mining engineering, Dr. David Chambers, of the University of Montana. I then went on to say, the rules might have prohibited tailings ponds altogether, using dry stacking or other mining methods only hinted at in the evidence. Perhaps use less water in the processing of the pulverized ores. Open pit mining might have been prohibited in favor of less risky underground mining. The size of mining

operations could have been limited to avoid risk of huge mines. Mining of certain high-sulfite ores could have been prohibited. We could have had greater setbacks from public lands and other valuable geographic assets. Such protective and significant measures might or might not have persuaded me that metal mining is possible in Maine without risking our waters and our pocketbook. Madam Speaker, most of those significant concerns and requests have been satisfied in this bill. In fact, after a review of the bill by Dr. Chambers, who is one of the leading modern mining experts in the country, out of Montana, says this of this LD 820, he says, "Relatively speaking Maine's mining rules would be among the strongest in the nation. A ban on large open pit mines is unprecedented as is the ban on wet closure of impoundments, a recommendation that came out of the Mount Polley Mine disaster review. The requirement of financial assurance for catastrophic events has not been enforced in any other regulatory jurisdiction." So, our proposed bill is on the cutting edge of modern mining. It doesn't prohibit mining, it allows mining. All of the steps that I was, not all but, most of the steps that I was advocating are now incorporated in the bill. These proposals are science-based, contrary to what you will probably hear. We had plenty of experts' advice. It came to us on a 12-1 Report, bipartisan, obviously. In the Senate, it passed 32 to nothing. It has the support...

The SPEAKER: The member will defer. During debate, one cannot refer to actions of the other body.

Representative TUCKER: I apologize. I thought it was future actions that you couldn't refer to.

The SPEAKER: The member may proceed.

Representative TUCKER: It has the support of all the major environmental organizations in our state. The sponsor of this bill, Senator Brownie Carson, was the Executive Director of the NRCM for years. Our Department of Environmental Protection assisted in the cross-referencing and finding holes in the technical aspects of the bill, although the substantive issues came from Senator Carson and from our researchers. This is real progress. It brings the rules and the statutes together. It gives legal clarity for business. It is much more protective than what we have now. Please vote green for Ought to Pass as Amended Report.

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

Representative HARLOW: Thank you, Madam Speaker. Ladies and Gentlemen of the House, as I said earlier, I think this is not the right policy for Maine. I didn't think it was seven years ago. I haven't changed my mind, and I have listened. We're hearing that this is the strongest mining bill in the country. That's what we're saying. We do not have any expertise in mining, nor did we have any before our committee. In the seven years I've been here, we have had Jim Butler, who is a mining lobbyist and lawyer, that was last session, in our room and on a fairly regular basis. We had Dr. Chambers, who is the mining expert who Representative Tucker was referring to. He was here for half a day my second term. And, we've repeatedly had the UMaine hydrologist, probably every term, at least three terms. And those were our experts, none of which are mining experts. The DEP had expertise, obviously, in many areas--mining is not one of them--and to say that they know science, that is true obviously, but we have areas of specialty for a reason. I go to a doctor. My doctor doesn't tell me not to go to my oncologist because she can take care of everything. I go to a specialist as well. In this statute, we are allowing groundwater contamination within 100 feet of the mining area in all directions and we are asking that

that pollution or contamination is limited. We are monitoring it, but it's groundwater contamination. How do you stop groundwater contamination? So, that's one of my biggest concerns actually and...sorry I have too many papers on my desk. One of the people who has been lobbying for this bill, Jeff Reardon from Trout Unlimited on September 15, 2016 said, in his testimony, written testimony to BEP, "Specifically authorizing groundwater contamination is wrong. Even if our suggested clarification to the definition of mining area is made, it will serve only to reduce the areas within which groundwater is allowed to be contaminated." I would agree with that assessment back in September. Additionally, NRCM's Nick Bennett, who has championed this bill and actually authored, co-authored it, I'd say with the DEP, stated in his initial comments to the DEP, that "the commission should identify resources within an eight mile radius of a proposed mining site because of the potential for mining contamination to travel long distances once it enters groundwater and surface water." And I'm sharing those quotes with you because I just want to illustrate that people who are now championing the bill have had concerns about the groundwater contamination in the past. And groundwater contamination doesn't change. We've heard that we are going to allow responsible mining companies only into Maine. My first time we heard that Flambeau was a responsible mining company and that they had done a great job with their reclamation, and then we never heard from them again, and the reason we didn't hear from them again is because they had water quality violations within the next year. So, this time around, we were told the Green Creek Mine also does what's called dry stack of tailings and that they're one of the few places that is doing that, and they are actually having contamination problems as well. So, I'm still waiting to hear of a responsible mine. We've heard that this is the best we can do. We've heard that we have to do something, if we don't do something, then we are open to permitting under a statute. On September 26, 2016, Nick Bennett told the BEP, "There is no conflict between the 2012 mining statute and the existing rules. The 2012 statute clearly states the following: Rules regulating metallic mineral mining adopted by the Department of Environmental Protection and the Maine Land Use Regulation Commission prior to the effective date of this section remain in effect until the Legislature approves major substantive rules provisionally adopted by the Department of Environmental Protection pursuant to this Act. This means that DEP does have a regulatory system in place for processing permits and does not need to rush these proposed rules through. DEP has already waited nearly five years since the 2012 statute passed because it has come up with rules that large, bipartisan majorities of the Legislature rejected." I share that just because it's been one of my frustrations to see that change in positions, so that's why I'm reading quotes off to you from papers. So, I'm a little bit of a slow learner, but once I realized that we didn't have any expertise, I decided that I wasn't sure why I didn't actually ask the questions myself, so I contacted several different mining professors, Ph.D. professors, throughout the country and one of the Ph.D. professors wrote back to me, and he was from Alaska, and he actually analyzed this before we voted actually for the bill, and sent me a full analysis. And one of his suggestions was, that he would ask us to adequately fund the branches of government that are responsible for drafting and enforcing standards for mining. They cannot adequately represent the interests of Maine if they do not have the technical expertise that the corporations bring to the table. So, this statute may or may not be a good statute. We don't know. We've not had the expertise to guide us when

we were actually working on this statute and rules, and this time around we left NRCM and DEP to actually work on them without much input from the committee. In the past, we have actually worked them ourselves, but still without the expertise. So, I really do worry that we don't even really know what we're putting into place. So, Dr. Chambers was actually contacted, I actually on my own, contacted Dr. Chambers last Friday because I realized that it was possible that he had worked outside of that committee room with NRCM on this bill and I was hoping actually that he had, that he had worked with them because he's an expert from Montana who NRCM had brought in a couple sessions ago, and so I contacted him myself, and I'm reading directly from his email, and he wrote to me on May 15<sup>th</sup>: "Representative Harlow, I did have some brief correspondence with Nick Bennett about the definitions of dry tailings and wet mine waste but nothing other than that. Tom Saviello also contacted me late last week and asked me my opinion of the changes." So, the review that you got from the good Representative from Brunswick was a review that the good Senator had asked for after the vote on Friday and so, which is a little bit troubling because we could have had him look at it before we voted on it, he would have given us advice, and yet we didn't ask him and so that was a little bit of a puzzle for me. So, this is also a statewide bill. We've heard a lot about Bald Mountain, but it's a statewide bill and I think that it's just not the right policy for Maine. This does allow for open pit mining under three acres and I hope that you will consider not voting for this bill. Thank you.

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

Representative **FOLEY**: Madam Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion. I come to this issue from a different perspective than most. Back in 2012 and 2013, I served as Chairman of the Board of Environmental Protection when the Chapter 200 Metallic Mineral Mining Rules were first being crafted in response to the mining statute passed back in the 125<sup>th</sup> Legislature. Both the Department of Environmental Protection and the Board worked diligently over 18 months trying to craft rules in support and implementation of the statute. Even with our best attempts with a tight timeframe, the initial rules were rejected by the 126<sup>th</sup> Legislature, as it was felt that the rules did not go far enough. That was the right decision to make, as the Board and the Department had limited direction or guidance built in the statute, we were attempting to establish rules for. Unfortunately, no direction or guidance was provided back to the Department for how to proceed. In 2014, I was elected to the 127<sup>th</sup> Legislature and began working with members of the Environment and Natural Resources Committee, using my experience with these rules on the BEP, in an attempt to further define the statute and provide better direction and guidance, in order for new rules to be crafted. Even though our efforts were worthwhile, in the end we had rules that I believed needed to go a bit further to assure greater environmental protection and financial assurance. However, with the constructive feedback established during that process, new guidance was provided for the Department and the Board to continue their efforts on the rules. As we prepared to begin the 128<sup>th</sup> Legislature, I reached out to many on both sides of this issue to suggest further changes, especially the banning of large-scale open pit mining for metallic minerals, which I have long believed was the most dangerous form of mining in wet climates such as Maine has. Others prepared similar suggestions for further protections and LD 820 was the result. Today, I believe we have the opportunity to finally adopt the



rules that provide the best mix of environmental protections, financial assurances, and limited mining opportunities under very restrictive rules. This process has taken five years of very deliberative debate, ongoing discussions with input and opportunity from all sides of the mining perspective, to provide feedback and constructive testimony. I recall back to my political science days at USM and our debate of constructing good public policy. We learned that the best public policy comes when all sides of an issue come together to forge a policy of compromise and consensus, addressing issues of concern from every perspective. The longer the process, the more involved the groups engaged in that process, the better the end result. I believe that we have reached that place in time on the regulation of metallic mineral mining here in Maine. I understand and appreciate those who disagree with the end result, and I respect that. From a pure public policy standpoint, we have mining statutes on the books passed in 2011 with no rules of which to enact or implement that statute. It is unclear to me how the DEP would respond to an application that could appear at any time. That is a legally dangerous place for the state to find itself. It is right that we pass these rules to finally provide that guidance. Some will argue, as did the emails many of us have received these past few days, that an outright ban is the answer. But that approach simply didn't have the consensus within the committee or the public necessary to move that question forward. LD 820 did, and I urge you to support the pending motion. I wish to thank the committee members and especially the Chairs of both bodies. This was not an easy process, but it was fair and deliberate. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Madam Speaker, Friends and Colleagues of the House. Let me explain what some of the deficiencies are with LD 820. There're two sets of deficiencies. One set are the details and one set is the overview. I'll give you some of the details first. The most major problem which you've heard of already is that it explicitly allows the groundwater contamination of toxic heavy metals and acids. Why we would want to do that is very difficult to understand until you read in the bill that it says, oh, limited to within 100 feet of where you're digging, whether it's in an open pit or a shaft. Now this is the problem, is that although the committee had an actual expert before it, a hydrogeologist, who explained what the forces were that caused groundwater to travel, namely hydraulic pressure and the permeability structure of the ground, for some reason, we're to believe because we have put it into a proposed bill before us, that we can change the laws of physics and not let the groundwater that's been contaminated continue on its way. That's simply fake science, it doesn't work that way. You cannot compromise with the facts of science. Scientific facts are not subject to compromise. You cannot contaminate the groundwater and expect that it will stay in the region only within 100 feet. There's no way to do that, there's no known technology to do that. It's not possible. It does not work. Okay, to carry on. The bill, LD 820 that we're considering, allows small open pit mines. To give you a very, very good idea of what the size is of the open pit mine that this bill allows, consider the fence that goes around this State House, the curved fence goes along the border of State Street, goes along Capital Street, if you continued that circle fence around it would cut the skylight in half between the Cross Building and the State House and then it would go between the State House and the building next door. That is a three-acre area. This

State House and the grounds around it would fit comfortably in an open pit mine that's allowed by LD 820. LD 820 allows applicants who are on the World Bank listing of ineligible firms and individuals. This World Bank listing is to identify unethical business practices, environmental damage left at public expense, things of that nature, but we allow an application from someone or a company listed on that list. This bill allows applicants that have abandoned mines at public expense. This bill allows applicants that have dumped tailings into the ocean. All of these things were considered by the committee and they chose not to incorporate these provisions. Why would we want to allow applicants that are at the bottom end of responsibility in dealing with mining? Now, the committee did not consider a few other things, but this bill does allow high temperature beneficiation processes. That is, and without any controls, it's not mentioned in the bill, there's nothing that prohibits a company from using high temperature beneficiations processes at a mine site. This is sort of midway between mining and smelting. It produces small-particulate air pollution with very serious public health consequences. Not considered in LD 820. LD 820 allows noise without restriction. I live six miles from a gravel pit that had a rock crusher. I could hear it all the time. The rock crushing activities that go on at mining sites is of a much greater order of magnitude. 820 does not define the dry-stacked moisture content. Yes, it's going in the correct direction of away from the wet slurries into dry stacking, a newer technology, but it fails to define what level of moisture removal is required to meet its definition of dry stacking. It does not describe how the dry stacked tailings would be handled and stored in perpetuity. Just because you stacked the tailings does not mean that they are not toxic, they're still toxic and they have to be managed and they have to be stored forever. LD 820 does not use the phrase anywhere of best science, best technology or best practices, thereby inviting bad science...

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

Representative **CHAPMAN**: Thank you, Madam Speaker. The bill before us continues exempting mining from the statutory protections of the Natural Resource Protection Act and the Site Location of Development Act. Although, some of those provisions are moved into rules that are referenced by LD 820, mining is exempt from those statutory provisions.

Now, let's get to the real problem, which is the overall structure of the regulatory mechanisms that 820 represents. If I'm building a garage next to my house and I go for a permit from the Planning Committee in my town and get a permit to build the garage. If I make a mistake, intentionally or otherwise, and put the garage in the wrong place, I put it too close to the lot line, I put it too close to the wetland, I somehow or other violate my permit, the Code Enforcement Officer may levy a fine against me and may tell me to move the garage. In other words, the permitting mechanism is a permitting by punishing failure mechanism, and it works for the situation of building a garage. But it does not work for an industry that's capable of doing so much damage that it cannot be recovered, it cannot be fixed. There are other industries like the mining industry that can create more damage than can be fixed and we might look to those industries to see what mechanisms they use in their regulatory structures that is not a regulatory structure based on permitting by punishing failure. One that comes to mind immediately is the nuclear power industry. It is simply not acceptable to tell a private company that runs a nuclear power plant that if your nuclear power plan melts down

you owe us \$12 billion. That's simply not an effective regulatory mechanism. So, how does the nuclear power industry regulate, how is that regulated? The answer is that it's regulated by continuous oversight by third-party experts who have authority over its operations. Let me bring this back to the mining for a moment. I asked Nick Bennett of the Natural Resource Council of Maine, a principal author of LD 820, I said, "What do you do when the contaminated groundwater reaches the monitoring well 100 feet away?" And, Nick said to me, "Well, then, we shut it down." As though shutting down the mining operation would change the mechanisms by which the water is being contaminated and that's not the case. Shutting it down was probably the last thing you want to do. You probably need to do something else to stop water from getting to the places where it's going to continue to contaminate the groundwater. The groundwater that's already contaminated is already contaminated. That's permanent and forever.

So, what is really needed here then, is expert oversight and that brings me to the really difficult part here, which is how do we identify experts? Scientists have a way of identifying experts and it's called a peer review process. There are not very many scientists here in our citizen Legislature, so they may be unfamiliar to most of you; but scientists, in publishing work, send their paper to the editor of a journal and the editor distributes it to some peer reviewers, peers meaning other scientists with similar expertise, to see whether the work is credible. The process doesn't work flawlessly. Neither does our jury process for criminal work and criminal justice. Occasionally, we exonerate the guilty and occasionally, we punish the innocent, convict the innocent. But, as a general matter, it's the best method that we've been able to find both in the criminal justice system and the scientific methods for identifying experts. So, when I say that the committee did not access mining experts, I'm referring to the fact that no one with any peer-reviewed publication in mining came before the committee this year. The material referenced by the good Representative from Brunswick, Representative Tucker, from Dr. Chambers, who does have expertise in some fields of mining, the letter that he read only an excerpt from, I'm sorry he didn't read the last sentence of that letter to you, was not generated until last week. It was far after the committee had finished its deliberations. So, the real problem that we have, and actually the real reason that I ran for a seat in the Legislature, was to try to work on the overriding question of how do we bring into the legislative process, scientific expertise to help us with technologically complex issues. LD 820 represents a signature failure of not having brought in experts, by the very fact that it states that the groundwater may be contaminated, but only for a limited distance, which is technologically and scientifically impossible. Well, I urge us to vote against the pending motion. Thank you, Madam Speaker.

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

Representative **MAREAN**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I am a co-sponsor of 820, I'm very happy to be a co-sponsor of 820, and I applaud the Committee for the hard work that they've done. Is it 100 percent? Probably not. Is it much better than what we currently have? It certainly is. And, I would like to give you a little oversight of some things that I've experienced last summer. I have a great deal of concern about our environment, for my grandchildren, and my great grandchildren, and yours as well. So, my wife and I went on a road trip for 6 weeks. We drove 10,000 miles. We had visited

all the Provinces of Canada with the exception of the Territories, so we drove up into the Northwest Territory of Yellowknife, 4,500 miles from my farm. Why did we go there? Because I wanted to see what gold mining can do to a neighborhood if it's not properly done. The city of Yellowknife, of about 20,000 people, is on the end of a very, very, very long road, and for the last 3 or 400 miles, we didn't even see a house. We saw wildlife, three herds of buffalo, we saw a black bear beside the road eating dandelions. It was absolutely an awesome experience, until we arrived in the city of Yellowknife. Yellowknife sits on the edge of the Great Slave Lake and the Great Slave Lake is the second largest lake in the Northwest Territories and it is the largest, it is the deepest lake in North America. It's 2,000 feet deep. It's the tenth largest lake in the world and it covers 10,500 square miles. The city of Yellowknife is sitting on enough arsenic to kill every human on this earth. They have stored underground, in some tunnels that they specifically made for this purpose, 237,000 tons of arsenic, which came at the rate of 22,000 pounds per day when the Great Mine Company--that was the name of the company that was doing the mining, they started in 1940 and they quit in 2004--when they handed the mine back to the city of Yellowknife, the Northwest Territories, and the Canadian Government, and they walked away. In 1951, a young First Nations boy, like our cousins to our Native Americans, 11 years old, died very suddenly. When the autopsy was done, they decided he had died from arsenic poisoning. He had eaten some of the snow from around the area in the city of Yellowknife. He died from arsenic poisoning. The government graciously gave his family \$750. That's what they got. Then they began to look at, what are the problems that we have here? What they found out was, that all of this arsenic that stored underground, that the permafrost is coming out now and the arsenic is starting to leach and it's running into some of the fresh water bodies. They found readings of arsenic poisoning that were far, far exceeding what human life could sustain. So Ottawa, the capital, is in the process of spending \$1 billion to drive pipes into the ground, like you would with an ice arena, to freeze around this storage of this arsenic, and it will cost them \$2 million per year to maintain that site, from here to eternity, to keep that arsenic from leaching out. What do we think about our mining bill now compared to that? Probably, it's not perfect, but, it's sure as heck is better than what we have. So, from there, we drove another 1,000 miles over to the northwest corner of the Province of Alberta, because I wanted to see with my own eyes the tar sands mining. We went over there, we were there just a few days after the forest fires had stopped in Fort McKay and Fort McMurray, so the city was still shut down and only operating just a few retail places, there were no campgrounds, we had to camp out in a Walmart, which that was fine. In talking to some of the folks around the neighborhood, I asked them about the tar sands mining; well, nobody really wants to talk about that in Fort McMurray because that means jobs, lots and lots of jobs. The average person makes \$100,000 a year working in the tar sands fields. I happened to meet a First Nations person, the First Nations person coming out of the local Walmart and I got him aside and I chatted with him for a while and he said, "Are you from the government?" I said, "I am not from the government. I'm not an environmentalist. I'm interested in what it is that you're doing here, I'd like to see that. Could I charter a plane or a helicopter to fly over the oil sands?" He said, "You cannot. They won't accommodate you for that. They don't want you to see what is up there. If you would drive to Fort McKay, which is 53 miles from here, one-way road, which is where the First

Nations People live, you can see the devastation that these tar sands mining are doing to my country." I drove up there. Ladies and gentlemen, that is the most bizarre thing I have ever seen. There was absolutely no vegetation of any kind, 210,000 acres stripped of all vegetation and they are in there and they are mining these tar sands. These First Nations People, the cousins to our Native Americans, have to have all of their water trucked in. They can't drink their water, there is no place for them to hunt, there is no fish in the stream because the streams are poisoned. It makes your eyes burn and makes your nostrils burn when you're even in the neighborhood, I know, I was there. They are getting no help from the government. The government's got their hand over their eyes, and the other hand out. You could Google Tar Sands in Alberta and you can see videos of what's going on there. If you really want to get touched by it, you need to visit it. On our way back down, over 210,000 acres that had been stripped, they bragged about how much they're reclaiming. They've actually reclaimed 125 acres since they started this whole project, which is several years ago, a couple of decades ago. On the way back, we came across this pond, a very large pond for a pond, black as anything you ever saw in your whole life. It looked like everybody in the two cities had come together and drained their automobile oil into this pond. The First Nations person was still behind me, we pulled over beside the road and I said, "What on earth is this?" This is the residue of the water that's left over after they use steam to get the tar sands oil out of the sand. The residue goes into this pond. All around the edges of the pond, and in the middle on floating devices, were silhouettes of men dressed in yellow raincoats with bonnets like our Downeast fishermen wear, holding in their hands something that looked like a shotgun, and every 90 seconds they went off. I said to the person who was there with me, "What is this all about?" He said, "That water is so poisonous that they fire those guns, they're not guns, they look like guns, it's just firecrackers, I suppose, every 90 seconds to keep water fowl and wildlife from going near that pond. That's how polluted that is." It's all about the money. It's not about the environment. With this bill, that can't happen in our state. We would never allow that to happen here. I hope that we're not going to allow it any place in the United States. We're getting the benefits of those tar sands up in Quebec where that train ran away. And, we're getting the benefit of tar sands from the Keystone Exxon Pipeline, which I happened see that too coming down through, that's another atrocity that you should see. So, I'm hoping that we will do the right thing, vote to support this bill. Going forward, if we need to make fixes, we can do that. Let's not be like Yellowknife and the tar sands in Alberta. Thank you.

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 Dresden, Representative Pierce.

Representative **PIERCE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House. I was on this committee. This was one of the bills that we spent an enormous amount of time on it. We worked it every week going back and forth with DEP, hydrologists, financial people for financial assurance. I would ask everybody to go to the Committee Amendment and read Section 7. It talks all about groundwater and groundwater contamination. I'm not going to belabor it and read it today but I have to ask you, if this bill fails, we go back to the current

rules that are now on the books. Go back to the current rules that are now on the books, that don't have any of these rules or definitions. It has definitions in what's a mining area. One hundred feet around the shaft is considered the mining area. One hundred feet is from here to the rotunda, from here to the rotunda. So, when you're asked about 100 feet, what's that, that's what that is. Incorporates the Clean Water Act in this bill. Do we want to get into a situation where, without defined rules, if this bill fails, we could get into expensive litigation where there's no defined standards, there's no definitions of what tailings ponds are and dry stacking? What is a mining area? We don't even have mining in there defined right now. So, I would ask you to support this bill and, is it perfect? In some people's eyes no. In some people's eyes it's the best of a great bipartisan work with all Committee members and all stakeholders. I ask you to follow my light and vote green.

SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Madam Speaker, Men and Women of the House. I have voted for much weaker bills than this. I am really afraid of the status quo and it's for exactly the reasons that the Representative from Wells, Representative Foley mentioned, and the Representative from Dresden, Representative Pierce. And in the previous Legislatures, we have created a conflict that still exists, and in my opinion, even a bad lawyer could exploit that conflict between current statute and rule, forcing a permit under rules that are older than some members of this body. I, frankly, never dreamed that I would get a chance to vote for a bill that bans open pit mining. I never dreamed that I could vote for a bill that bans mining under lakes and ponds. I never dreamed I could vote for a bill that would ban mining on public lands. Mining without enormous financial assurance in cash and cash equivalents, held by a third-party trust. I never dreamed I could get third-party risk review in order to make sure that somebody else, an expert, gets to review this and assures a certain amount of safety. You know previously, I have practically sold my soul for a lot less than this, but I am honestly scared of the problem we have left in statute and rule, that is exploitable, in my opinion. So, now that 820 is in front of us, I think with some confidence that I can say through the Speaker to the mining industry, we are a cold and wet state. We have a lot at stake. So much of our economy depends on our other natural resources. This bill might allow mining but we're not going to take the risk for you. If you're going to mine in Maine, you're going to do it the Maine way or you're not going to do it. Thank you, Madam Speaker.

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. 124**

YEA - Ackley, Austin B, Austin S, Babbidge, Bates, Beebe-Center, Berry, Bickford, Black, Bradstreet, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Dillingham, Duchesne, Dunphy, Farnsworth, Farrin, Fay, Fecteau, Foley, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grohman, Guerin, Haggan, Hamann, Handy, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau,

Ordway, Parry, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Reed, Riley, Rykerson, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sherman, Simmons, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Vachon, Wallace, Ward, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Bailey, Battle, Chapman, Collings, Espling, Fredette, Harlow, O'Connor, O'Neil, Parker, Sirocki, Sylvester, Talbot Ross, Turner.

ABSENT - Alley, Blume, Brooks, Frey, Grignon, Herrick, Perkins, Sheats, Wadsworth.

Yes, 126; No, 14; Absent, 9; Excused, 2.

126 having voted in the affirmative and 14 voted in the negative, with 9 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-73)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-73)** in concurrence.

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#### SENATE PAPERS

The following Joint Order: (S.P. 569)

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, May 23, 2017 at 10:00 in the morning.

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

**READ** and **PASSED** in concurrence.

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Bill "An Act To Authorize a General Fund Bond Issue To Fund the Maine Science, Technology, Engineering and Mathematics Loan Program"

(S.P. 570) (L.D. 1614)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

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

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On motion of Representative BAILEY of Saco, the House adjourned at 2:32 p.m., until 10:00 a.m., Tuesday, May 23, 2017, pursuant to the Joint Order (S.P. 569) and in honor and lasting tribute to all fallen law enforcement officers in the state and Scott Scripture, of Bangor.