

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE  
SECOND REGULAR SESSION  
22nd Legislative Day  
Tuesday, March 20, 2018

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

Prayer by Reverend Flo Shaw, World Network of Prayer, Weldon Spring, Missouri.

National Anthem by Raymond Elementary Chorus.

Pledge of Allegiance.

Doctor of the day, Janis Petzel, M.D., Islesboro.

The Journal of Thursday, March 15, 2018 was read and approved.

**Non-Concurrent Matter**

Bill "An Act To Change Certain Gender-specific Terminology in the Laws Regarding Municipalities and Counties"

(H.P. 1154) (L.D. 1668)

Minority (4) **OUGHT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on March 1, 2018.

Came from the Senate with the Majority (6) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 705)

**JOINT RESOLUTION RECOGNIZING  
THE MAINE PUBLIC SAFETY PIPE AND DRUM CORPS,  
THE MAINE POLICE EMERALD SOCIETY  
AND THE POLICE EMERALD SOCIETY GB**

WHEREAS, the Maine Public Safety Pipe and Drum Corps was formed in the aftermath of the September 11, 2001 attacks to ensure that the funerals of Maine public safety personnel could include bagpipers; and

WHEREAS, the Maine Police Emerald Society was also formed after the September 11, 2001 attacks as an organization allowing law enforcement officers of Celtic heritage to foster community and camaraderie and to raise money for local charities; and

WHEREAS, the Police Emerald Society GB, which is the Irish staff association for Great Britain's police, represents its members' views and those of the wider Irish community at various levels of the Metropolitan Police Service and works with colleagues in other forces throughout Great Britain to provide advice, support and social connections; and

WHEREAS, the Police Emerald Society GB is marching in the London St. Patrick's Day Parade on March 18, 2018; and

WHEREAS, members of the Maine Public Safety Pipe and Drum Corps and the Maine Police Emerald Society are traveling to London and marching in the St. Patrick's Day Parade with the Police Emerald Society GB and the Maine Public Safety Pipe and Drum Corps will also be playing in London at memorials to fallen police officers and firefighters; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the Maine Public Safety Pipe and Drum Corps and the Maine Police Emerald Society as they represent the State and the United States at the London St. Patrick's Day Parade; and be it further

RESOLVED: That We recognize the Police Emerald Society GB for its fostering the bonds between public safety personnel and citizens of different nations; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Public Safety Pipe and Drum Corps, the Maine Police Emerald Society and the Police Emerald Society GB.

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

**READ** and **ADOPTED** in concurrence.

**COMMUNICATIONS**

The Following Communication: (S.C. 878)

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

March 6, 2018

The 128th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1400, "An Act To Create the Bar Harbor Port Authority."

Creating a port authority for Bar Harbor is an unnecessary municipal bureaucracy whose purpose is to deflect accountability from the town. Bar Harbor is aware they cannot legally prohibit cruise ships from visiting, and very recently the citizens defeated a proposed moratorium on cruise ships. The fact of the matter is hundreds of cruise ships have visited Bar Harbor and over one hundred are anticipated to come in this year. Maine has several coastal towns, including Bar Harbor, where cruise ship traffic is handled by the municipalities and has been for years. The municipalities can maintain and expand the necessary infrastructure to land any cruise ship just as, if not more, effectively than a local port authority.

The unintended consequences of creating local authorities despite the existence of centralized, structured, and regulated authorities are playing out today. The Legislature should be more interested in utilizing our existing authorities and state operated agencies than offering autonomy to anyone seeking it, which may create serious safety concerns.

For these reasons, I return LD 1400 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,  
S/Paul R. LePage  
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

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

The accompanying item An Act To Create the Bar Harbor Port Authority

(S.P. 478) (L.D. 1400)

(C. "A" S-347)

In Senate, March 15, 2018, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on

the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

25 voted in favor and 8 against, and 25 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

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

**ROLL CALL NO. 518V**

YEA - Alley, Austin B, Babbidge, Bates, Berry, Bickford, Brooks, Bryant, Cardone, Cebra, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Dillingham, Doore, Duchesne, Espling, Farnsworth, Fay, Fecteau, Foley, Frey, Gattine, Gerrish, Golden, Grant, Grohman, Guerin, Hamann, Hawke, Herrick, Higgins, Hogan, Hubbell, Johansen, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCreia, McCreight, Melaragno, Monaghan, Moonen, Nadeau, Parker, Parry, Perry, Pierce T, Riley, Rykerson, Sanborn, Schneck, Sheats, Simmons, Spear, Stanley, Stearns, Strom, Tepler, Terry, Timberlake, Tipping, Tucker, Vachon, Ward, Zeigler, Madam Speaker.

NAY - Ackley, Austin S, Bailey, Beebe-Center, Black, Blume, Bradstreet, Campbell, Chace, Chapman, Craig, Dunphy, Farrin, Fredette, Fuller, Gillway, Ginzler, Grignon, Haggan, Handy, Hanington, Harlow, Harrington, Harvell, Head, Herbig, Hickman, Hilliard, Hymanson, Kinney J, Kinney M, Lockman, Malaby, Mason, McElwee, O'Connor, O'Neil, Ordway, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reckitt, Reed, Sampson, Sanderson, Seavey, Sirocki, Skolfield, Stetkis, Stewart, Sutton, Talbot Ross, Theriault, Turner, Wadsworth, Wallace, Warren, White, Winsor, Wood.

ABSENT - Battle, Casas, Hanley, McLean, Sherman, Sylvester, Tuell.

Yes, 81; No, 63; Absent, 7; Excused, 0.

81 having voted in the affirmative and 63 voted in the negative, with 7 being absent, and accordingly the Veto was **SUSTAINED**.

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The Following Communication: (H.C. 461)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

March 15, 2018  
Honorable Sara Gideon  
Speaker of the House  
Honorable Michael D. Thibodeau  
President of the Senate  
128th Legislature  
State House  
Augusta, Maine 04333

Dear Speaker Gideon and President Thibodeau:  
Pursuant to the State Government Evaluation Act (GEA), Title 3 of the Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Energy, Utilities and Technology (Committee) resulting from its review and evaluation of the Telecommunications Relay Service Advisory Council (Council).

As a result of our review, the Committee generally found that the Council is operating within its statutory authority. However, recognizing that due to the very specific nature of the Council and the sometimes limited universe of vendors for specific purposes, the Committee has voted to report out legislation pursuant to 3 MRSA §955(4), in order to consider implementation of the following statutory changes relating to the administration of the Council that the Council proposed in its report to the Committee. Specifically the legislation would do the following.

1. Changes the name of the Telecommunications Relay Services Advisory Council to the Telecommunications Relay Services Council.
2. Establishes the Telecommunications Relay Services Council Fund.
3. Allows members and individuals to be reimbursed for costs associated with the participation in conferences related to the telecommunications relay services and assistive telecommunications devices or technology.
4. Removes the requirement that the Public Utilities Commission provide technical assistance to the Council.
5. Allows the Council to pay costs associated with scheduled meetings.
6. Explicitly defines duties of the Council to include the ability to contract for intrastate telecommunications relay services and outreach services, to organize and fund projects to assist with promoting the use of telecommunications relay services, and to develop, administer and fund pilot projects to provide access to telecommunications relay services.
7. Changes the funding of the Council to require that the Council develop a yearly budget not to exceed \$600,000 instead of requiring that the Public Utilities Commission determine the funding level for the Council.
8. Requires that the requested budget amount be transferred by the commission into the Telecommunications Relay Services Council Fund.

It is our Committee's intent that this legislation be referred back to the Committee for a public hearing, work session(s) and a Committee vote before it is considered by the full Legislature.

Sincerely,  
S/Senator David Woodsome  
Senate Chair  
S/Representative Seth A. Berry  
House Chair

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**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 463)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 15, 2018

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

Dear Speaker Gideon and President Thibodeau:

Please accept this letter as the report of the findings of the Joint Standing Committee on Education and Cultural Affairs from its review and evaluation of the Board of Trustees of the University of Maine System under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The committee finds that the Board of Trustees of the University of Maine System is operating within its statutory authority.

Sincerely,  
S/Senator Brian D. Langley  
Senate Chair  
S/Representative Victoria P. Kornfield  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 464)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 15, 2018

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

Dear Speaker Gideon and President Thibodeau:

Please accept this letter as the report of the findings of the Joint Standing Committee on Education and Cultural Affairs from its review and evaluation of the Board of Trustees of the Maine Maritime Academy under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The committee finds that the Board of Trustees of the Maine Maritime Academy is operating within its statutory authority.

Sincerely,  
S/Senator Brian D. Langley  
Senate Chair  
S/Representative Victoria P. Kornfield  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 465)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 15, 2018

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

Dear Speaker Gideon and President Thibodeau:

Please accept this letter as the report of the findings of the Joint Standing Committee on Education and Cultural Affairs from its review and evaluation of the Maine Community College System under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The committee finds that the Maine Community College System is operating within its statutory authority.

Sincerely,  
S/Senator Brian D. Langley  
Senate Chair  
S/Representative Victoria P. Kornfield  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 460)

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

March 20, 2018

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. 637 An Act To Protect Maine's Lands
  - L.D. 939 An Act To Protect Maine's Agriculture
  - L.D. 1839 An Act To Amend the Law Regarding the Interest Rate for State Loans under the Potato Marketing Improvement Fund
- Education and Cultural Affairs
  - L.D. 1016 An Act To Provide Funding for Career and Technical Education Based on Projected Enrollment
- Health and Human Services
  - L.D. 411 An Act To Add Addiction to or Dependency on Opiates or Prescription Drugs to the List of Qualifying Conditions for Medical Marijuana
  - L.D. 762 An Act To Allow a Percentage of Funds from the Medical Use of Marijuana Fund To Fund Health Care Research
  - L.D. 763 An Act To Support Individuals with Disabilities by Exempting Certain Wages from Consideration for MaineCare

- L.D. 1098 An Act To Ensure Reasonable Accommodations for Children for Whom Medical Marijuana Has Been Recommended
- L.D. 1135 An Act To Strengthen the Efficacy of the Medical Marijuana Laws
- Inland Fisheries and Wildlife
- L.D. 1236 An Act To Improve Maine's Heritage Fish List
- Labor, Commerce, Research and Economic Development
- L.D. 1718 An Act To Empower Maine's Rural Economy and Workforce
- L.D. 1768 An Act To Reduce Impairment on the Job and Improve Workplace Safety by Amending the Laws Governing Employment Practices Concerning Substance Use Testing

Sincerely,  
S/Robert B. Hunt  
Clerk of House

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

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The Following Communication: (H.C. 462)  
**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**SPEAKER'S OFFICE**  
**AUGUSTA, MAINE 04333-0002**

March 20, 2018  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Clerk Hunt:  
Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:  
On March 16, 2018  
Daniel Brennan of Winslow for appointment as the Director of the Maine State Housing Authority.  
Pursuant to Title 30-A, MRSA §4723, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.  
Sincerely,  
S/Sara Gideon  
Speaker of the House

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

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The Following Communication: (S.C. 892)  
**MAINE SENATE**  
**128TH LEGISLATURE**  
**OFFICE OF THE SECRETARY**

March 15, 2018  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Clerk Hunt:  
Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Judiciary and Passage to be Engrossed as Amended on Bill "An Act To

Increase the Jurisdictional Limits for Small Claims" (H.P. 216) (L.D. 283), in non-concurrence.  
Best Regards,  
S/Heather J.R. Priest  
Secretary of the Senate

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

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The Following Communication: (S.C. 893)  
**MAINE SENATE**  
**128TH LEGISLATURE**  
**OFFICE OF THE SECRETARY**

March 15, 2018  
Honorable Sara Gideon  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Gideon:  
In accordance with 3 MRSA §158 and Joint Rule 506 of the 128th Maine Legislature, please be advised that the Senate today denied the following nomination:  
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, George C. Gervais of Yarmouth for appointment as the Director, Maine State Housing Authority.  
Best Regards,  
S/Heather J.R. Priest  
Secretary of the Senate

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Increase Youth Mental Health Awareness in Schools" (H.P. 1302) (L.D. 1866)  
Sponsored by Representative HANDY of Lewiston.  
Cosponsored by Senator MAKER of Washington and Representatives: DENNO of Cumberland, FARNSWORTH of Portland, GOLDEN of Lewiston, MADIGAN of Waterville, McCREA of Fort Fairfield, McCREIGHT of Harpswell, PERRY of Calais, Senator: BELLOWS of Kennebec.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.  
Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.  
**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.  
Sent for concurrence.

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Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children (EMERGENCY) (H.P. 1304) (L.D. 1868)  
Sponsored by Representative MADIGAN of Waterville.  
Cosponsored by Senator BREEN of Cumberland and Representatives: AUSTIN of Skowhegan, DENNO of Cumberland, DOORE of Augusta, HANDY of Lewiston, HYMANSON of York, MALABY of Hancock, TALBOT ROSS of Portland, WARREN of Hallowell.

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

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.

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

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

Sponsored by Representative CHACE of Durham. (GOVERNOR'S BILL)

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative HYMANSON of York, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

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

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#### SPECIAL SENTIMENT CALENDAR

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

##### Recognizing:

Donna Dennison, of St. George, who will retire this December from her position as Knox County Sheriff. She will have served in office for 12 years, after working as a corrections officer, dispatcher, part-time deputy, sergeant and detective. Sheriff Dennison was the first woman ever elected sheriff in the State and is the only to hold office as a sheriff. We extend to Sheriff Dennison our appreciation for her service and offer her our best wishes;

(HLS 963)

Presented by Representative SPEAR of South Thomaston.

Cosponsored by Senator MIRAMANT of Knox, Senator DOW of Lincoln, Representative BEEBE-CENTER of Rockland, Representative CASÁS of Rockport, Representative KUMIEGA of Deer Isle, Representative SIMMONS of Waldoboro, Representative SUTTON of Warren.

On **OBJECTION** of Representative SPEAR of South Thomaston, was **REMOVED** from the Special Sentiment Calendar.

##### READ.

The SPEAKER: The Chair recognizes the Representative from South Thomaston, Representative Spear.

Representative **SPEAR**: Thank you, Madam Speaker. Madam Speaker and Members of the House, as you are -- as you are undoubtedly aware, a very high percentage of law enforcement positions in this country, including Maine, are and have been held by men. As I understand it, still today that number approaches 90%. Over a decade ago, Donna Dennison, through hard work and dedication in a variety of increasingly responsible law enforcement positions, overcame those odds when she was elected Sheriff of Knox County; the first woman ever elected as a sheriff in the history of the State of Maine. Sheriff Dennison went on to serve in that position for 12 years, having been reelected twice, earning and maintaining the respect and confidence of the voters of Knox County. And although I hardly knew Sheriff Dennison at the

time of her initial election those many years ago, I do remember feeling a sense of pride, not only for Donna, but for my home county, for casting aside those longstanding biases. But in the spirit of gender equality, I'm sure Donna doesn't want to be remembered as the first woman sheriff, but simply what she is, the Sheriff of Knox County.

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

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#### REPORTS OF COMMITTEE

##### Ought to Pass as Amended

Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Authorize Regional Medical Control Committees To Have Access to Maine Emergency Medical Services Data for Purposes of Quality Improvement" (EMERGENCY)

(S.P. 634) (L.D. 1735)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-383)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-383) AS AMENDED BY SENATE AMENDMENT "A" (S-384)** thereto.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-383)** was **READ** by the Clerk.

**Senate Amendment "A" (S-384) to Committee Amendment "A" (S-383)** was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-383) as Amended by Senate Amendment "A" (S-384)** thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-383) as Amended by Senate Amendment "A" (S-384)** thereto in concurrence.

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#### Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Provide for In-person Visitation of Incarcerated Persons"

(S.P. 665) (L.D. 1782)

Signed:

Senators:

ROSEN of Hancock  
CYRWAY of Kennebec  
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell  
COREY of Windham  
GERRISH of Lebanon  
GROHMAN of Biddeford  
HERRICK of Paris  
LONGSTAFF of Waterville  
MAREAN of Hollis  
RECKITT of South Portland  
TALBOT ROSS of Portland

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

Signed:

Representative:  
NADEAU of Winslow

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

On motion of Representative WARREN of Hallowell, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-368)** on Bill "An Act To Attract, Educate and Retain New Mainers To Strengthen the Workforce"

(S.P. 521) (L.D. 1492)

Signed:  
Senators:  
LANGLEY of Hancock  
MAKER of Washington  
MILLETT of Cumberland

Representatives:  
KORNFELD of Bangor  
DAUGHTRY of Brunswick  
FARNSWORTH of Portland  
FULLER of Lewiston  
GINZLER of Bridgton  
McCREA of Fort Fairfield  
PIERCE of Falmouth

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

Signed:  
Representatives:  
SAMPSON of Alfred  
STEWART of Presque Isle  
TURNER of Burlington

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 "B" (S-368)**.  
**READ.**

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

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

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

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

Representative **LOCKMAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. I have made no secret --

The SPEAKER: The Representative will defer. The House will be in order. The Representative may proceed.

Representative **LOCKMAN**: Thank you, Madam Speaker. I've made no secret of my reasons for opposing this legislation, notwithstanding its feel-good title. Unfortunately, the public discussion over the past two months has exposed an ugly vein of totalitarian tendencies on the left flank of the political spectrum. I have to admit I underestimated the ferocity of my leftist friends on the issue of immigration.

The legislation before us today fits within the prevailing orthodoxy on the subject, which is to say, all immigration is good, more immigration is better, and third-world immigration is best. The bill's sponsor asserted, in his testimony before the Education Committee, that Maine's demographic profile as the whitest state in America is something to be ashamed of. He further asserted that immigration is a social justice issue, whatever that means. His remedy for what he regards as Maine's deplorable lack of diversity is to subsidize foreign-born immigrants who don't speak English and have higher birth rates than native Mainers. Read it for yourself in the sponsor's written testimony.

Madam Speaker, I hope we can have a civil debate on these issues, both inside and outside this building, but considering the provocative assertions of the bill's sponsor in his written testimony, that's going to be a real challenge. What I have learned over the past few months is that dissenting views are not welcome in the public square, such as it exists on social media and on the opinion pages of Maine's remaining fake news outlets. It's okay, in fact it's laudable, for social justice gladiators to promote race-based identity politics, and it's socially acceptable for self-styled progressives to lament that Maine is too white. But anyone who pushes back against that overtly racist narrative runs the risk of being slandered as a racist, or a bigot, or a white supremacist. And the chilling irony that's on display here is lost on the diversity zealots.

In any case, the bill before us is based on erroneous assumptions. The sponsor claimed in his testimony that Maine's recent population growth has been due entirely to foreign immigration, but the most recent census data paints a very different picture. Maine had a 0.4 population percent increase from 2016 to 2017, the biggest increase in quite a few years. It turns out that the vast majority of those newcomers, 5,400 of them, came from other states, compared to just 1,600 from foreign countries. And it's a safe bet that most, if not all, of the domestic new Mainers, domestic immigrant new Mainers, are English-speaking US citizens. Yet, the bill before us is focused almost exclusively on teaching foreign-born immigrants how to speak English, at a time when Maine taxpayers already foot the bill for more than \$19 million a year for English as a second language instruction in Maine schools. That sum represents a more than 100% increase in just 10 years.

The bill before us throws money at ESL instruction. So, perhaps, we ought to evaluate what Maine taxpayers are getting in return for the huge investment they've already made in ESL. The Biddeford School District now has 10 ESL instructors, full-time, to deal with a student body that speaks 22 different languages, Arabic being the most common. That's 10 full-time ESL instructors, at a cost of more than half a million dollars a year to Maine taxpayers. But *schooldigger.com* ranks the Biddeford School District 151st out of 172 Maine school districts in terms of student achievement, and it's trending downward over the past couple of years. In Lewiston schools, students speak 34 different languages. The district has the highest percentage of English language learners in the state and spends millions of dollars a year for ESL instruction. But Lewiston schools are among the worst in the state in terms of

student achievement. The Governor James D. Longley Elementary School in Lewiston is ranked 295th out of 295 elementary schools in the state. Lewiston Middle School is ranked 98th out of 98 elementary schools in the state. Given these sad statistics, I don't know why anyone would think that we should spend even more on English language instruction programs. Now, you can argue that the proposed new spending in this bill isn't primarily for schoolchildren; it's mostly for adults to learn English so they can enter the workforce. But, given the fact that the vast majority of new Mainers who have settled here over the past couple of years already speak English, why not focus our limited state resources on preparing them to enter the workforce. If the objective really is to strengthen the workforce, as the bill's title suggests, why not prioritize folks who are already US citizens and don't need English language instruction? I have to ask, Madam Speaker, is it heresy to suggest that we ought to have an immigration policy that puts Americans first?

Finally, let's all be mindful that we have limited resources, and we still have 1,600 elderly and disabled Maine people, many of them who have lived here and worked here and paid taxes here all their lives, languishing on the notorious Medicaid wait lists. And why is that? Because the Legislature has other priorities. So, I guess Maine's most vulnerable citizens are accustomed to waiting, and so they'll just have to wait some more if we pass this bill. Madam Speaker, I urge my colleagues to put Maine people first and vote no on the pending motion. Thank you, Madam Speaker.

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

Representative **GOLDEN**: Thank you, Madam Speaker. So, Madam Speaker, this bill is LD 1492. I find it very fitting, we all know the song, "1492, Columbus sailed the ocean blue." I do have a sense of humor. Surprise. He discovered some of the regions of the Americas. His voyage is a very familiar story to all of us, we all learned about it in history class. Columbus spoke Spanish, not English. Here in the United States, English is the predominant language, particularly in a state like ours. I think we all know that learning English is important to unlocking opportunities to be successful. So, I come from Lewiston. I've got a lot of people in my community who have come from away, that come from places like Somalia, Ethiopia, Djibouti, Kenya, Western Africa. They speak a lot of different languages. They speak French, some of them speak English, some of them speak Arabic, Somali, Swahili. It goes on and on. We've got people from Sudan. And as I go out and I talk to the people in my community, I often hear two kind of different groups of people, basically telling me the same thing. Some people will tell me, you know, "Jared, these individuals are here, they come to our community, we want them to learn English, we want them to adapt and, kind of, you know, blend in with our culture, our way of life here in Maine. We want them to learn English, we want them to work and be independent." And then as I have conversations with many of these immigrants or those who are now Americans, they say to me, "We want to learn English, and we want to work and provide for ourselves and for our families." They want to be able to get jobs. They want to be able to go sit down with schoolteachers and understand what it is that their child is learning, and have open conversations with teachers and with their own kids about what they're learning in school.

I really appreciate Representative Lockman's concern about the quality of the schools in Lewiston, but I want to tell you, I'm very proud of my community and the schools that go on there. It makes me think a little bit about proficiency-based

learning standards, about the problem of teaching to the test, because I can tell you, while the scores may not look all that good in my community, the quality of the education and the learning that is going on is amazing, because it's hard to take a test in English when you don't speak English or write English. But it is possible to learn, and that's exactly what's going on in my community. I'm awfully proud of it. I know that all the teachers in my community are, too.

As I look at this bill, there's a couple of different provisions in here. You know, if you look at the fiscal note, I see things going on in here about the welcome center, which we would like to have in Lewiston, similar to the one in Portland. And the funny thing is, is often, when someone comes here, we don't know a whole lot about them, and they may speak limited English or not speak English at all. But, back home where they came from, they had skills, they had a job, they had things that they were good at, and they have brought those skills with them, and they would like to be able to put those skills to work in our community to meet our community's needs. That's what a welcome center is really all about. It's about working with an individual to identify: "What have you done in your life experience, and how can we help you get those skills that you need so that you can go to work in our community as soon as possible?" Because that's what we need. This also makes me think a lot about something that I think we often debate in this chamber: the bureaucracy that comes with certification and licensing standards, the kind of struggle where, sometimes, when it comes to education, it's just all about having a piece of paper and a diploma, a failure to recognize people's life experience and the skills that they bring, regardless of what their education level is. That's what the welcome center in Portland, and what I hope the welcome center in Lewiston, will be all about.

I also see in here some money for vocation-specific English language acquisition and workforce training, to provide English language instruction and vocational training. What does that mean? You know, sometimes you speak just enough of a language to understand some things, but there's a job out there that you want to have the opportunity to do, and there's an employer that will give you that job, but there's some very language -- specific language. Let's call it lingo, the lingo of the job. You've got to learn it. That can be tough. Coming out of the military, I get that. You spend months in boot camp learning the lingo of the Marines. So, for instance, if I told you to go find Echo-6 Golf, you probably wouldn't know I was talking about myself. If I asked one of you while we were working together in a mechanic's shop, 'Could you hand me the moonbeam?' you wouldn't understand that I was talking about a flashlight. That's the kind of vocational English language learning that we're talking about: job-specific English language learning so that people can work. So, thinking back about that story about people from different perspectives who both want the same thing; we want people to -- in our communities to learn English, and we want them to work. This bill seems to provide us some common ground. If you want to come to Maine and contribute to the work of rebuilding our state, our communities, or rebuilding America, I say welcome. We need you to learn English, and join us in the good work that we're engaged in in this state. LD 1492 will help with that. And I also just want to point out to my colleagues that the Chamber of Commerce supports this legislation. Thank you very much, 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. 519**

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

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

ABSENT - Battle, Casas, Hanley, Sherman, Sylvester, Tuell.

Yes, 87; No, 58; Absent, 6; Excused, 0.

87 having voted in the affirmative and 58 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "B" (S-368) was READ by the Clerk and ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (S-368)** in concurrence.

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

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

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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-380)** on Bill "An Act To Reduce the Incidence of Obesity and Chronic Disease in Maine"

(S.P. 383) (L.D. 1162)

Signed:

Senators:

BRAKEY of Androscoggin  
CHIPMAN of Cumberland  
HAMPER of Oxford

Representatives:

HYMANSON of York  
CHACE of Durham  
DENNO of Cumberland  
HEAD of Bethel  
MADIGAN of Waterville  
MALABY of Hancock  
McCREIGHT of Harpswell  
PARKER of South Berwick  
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-381)** on same Bill.

Signed:

Representative:

PERRY of Calais

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-380).**

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (S-380) 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-380)** in concurrence.

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Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Promote Access to Financial Institutions by Entities That Are Authorized under State Law"

(S.P. 130) (L.D. 389)

Signed:

Senators:

WHITTEMORE of Somerset  
CARSON of Cumberland  
DOW of Lincoln

Representatives:

CRAIG of Brewer  
FOLEY of Wells  
MELARAGNO of Auburn  
PICCHIOTTI of Fairfield  
PRESCOTT of Waterboro  
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-362)** on same Bill.

Signed:

Representatives:

LAWRENCE of Eliot  
BROOKS of Lewiston  
COLLINGS of Portland  
SANBORN 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-362)**.

**READ.**

Representative LAWRENCE of Eliot moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

Representative FREDETTE of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **FOLEY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. While I understand the impetus for this bill, I believe this is a federal issue and not a state issue. The Superintendent of Maine Bureau of Financial Services, Lloyd LaFountain, spoke to our Committee, and he raised similar issues. Part of the problem with this bill is that it would allow credit unions to be formed primarily for the dispensing of marijuana-related monies, and the only insurance company right now, a national insurance company, the National Credit Union Administration, that insures credit unions, refuses to insure credit unions that deal in marijuana. There is only one insurance company, a private insurance company, that does provide that insurance, but it is on a limited basis. Part of the other problem was that there's a credit union in Colorado that attempted to establish themselves, and they were refused to receive a master account from the federal government. A master account is one that allows banks to transfer monies across electronic lines. And so they were unable to do that.

One of the things that the superintendent did say is, he said, "Privately insured credit unions also raise regulatory oversight concerns." It limits the ability to regulate these facilities. Without the NCUA insurance, there would be no coregulatory regulation of the institution, and they would be standing on their own. If there was a failure, the entire institution could be in trouble, as could their members. In addition, there is only one private credit union insuring the US, and there is no indication that they are even willing to insure any banks here in Maine dealing with this.

While I said I do understand the issue and the concerns here, our Committee, although the majority voted against this bill, we did send a letter to our federal delegation advising them that this is a federal issue and asking them to please deal with this issue and bring federal regulations that allow credit unions and banks to deal with this growing industry. I ask you to follow my light and oppose the pending motion. Thank you, Madam Speaker.

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

Representative **SANBORN**: Thank you, Madam Speaker. I rise just to point out that this is a bill that applies to state-chartered credit unions, and so I would argue that it is, in fact, up to us as a state to determine whether private insurance would be permitted. And, also, given that the voters of Maine have, repeatedly now, said that both medical marijuana and recreational marijuana should be legal, I believe that we have to provide some sort of banking solution. This is a step in that direction, and allows state-chartered credit unions to begin to

explore the ways in which they may be able to do business in this industry. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from South Berwick, Representative Lawrence.

Representative **LAWRENCE**: Thank you, Madam Speaker, and I appreciate the comments by -- from my good friend from Wells. However, this is an issue that is upon us, and will not be resolved by simply writing a letter.

Marijuana is now legally allowed to be produced in the State of Maine. These institutions are gathering cash. They are unable to put it in the bank. They are now keeping it on their property. If you want to have a shootout, if you want to have a criminal action, you allow them to continue to keep large amounts of cash on their property. As a state, to protect the safety of our citizens, we need to send a message, and we need to start to find a solution to bring these commercial entities into the legitimate banking community. Thank you.

The **SPEAKER**: The Chair will remind all Members to please direct comments towards the Chair.

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

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

Representative **COLLINGS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just wanted to point out, very briefly, that there is a credit union in Colorado, it was mentioned earlier. They did take it to the Court of Appeals and won conditionally to be able to do this. Again, it's conditionally, but the point is, in Colorado and other states, laws like these are being pursued or passed and then they're being taken to the courts; and I think we should join that, and stand up for the sovereignty here in Maine for the laws we enact. On one hand, we're telling people that they are allowed to get in the business. On the other hand, we're not giving them the accountability and all the resources to be in business. There are some severe safety concerns. I think everyone has recognized that on the Committee; and rather than kick the can down the road and kind of have it be in limbo and wait for the Federal Government to act, which I don't think it will for many years, I think we have a responsibility to people we've authorized to be in this business to protect them, and I think by having this take place, what we do is we provide a lot more accountability and make it so much easier and safer for people to get land, do their taxes, pay their workers, and not put their workers in jeopardy by having so much cash and not having a safe place to put it. The only people that would have to put money in this credit union would be the people that would want it, so other people and credit unions around the state wouldn't be at risk. And, again, I think we should join Colorado and other states and assert our authority, and protect people that we've allowed to get into a business in Maine, but on one hand said, "You're not going to be able to have access to safe financial institutions." Thank you.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. For over 20 years now, I have served as a volunteer member of a local credit union, and we've had, actually, conversations at our board meetings in regards to this type of activity. One of the things that was instituted after 9/11 and other matters is the process, what we call suspicious activity reports. Anytime someone goes into a financial institution, whether it be a credit union or a bank, and generally speaking, if they do a transaction over \$10,000 or more, the financial institution is required to file a suspicious

activity report. Now, it doesn't even necessarily have to be a \$10,000 transaction, it could be a series of five \$5,000 transactions on five different days, or all on the same day. The point of the matter is that financial institutions have responsibilities, because they are, generally speaking, part of a national banking system, and we have reports other than simply for the mere purpose of reporting of transactions. For example, some of these reports are required because, in fact, we are actually trying to figure out if there is terrorist activity going on at various financial institutions, where sometimes cash is being moved around to do certain things. That's part of the reasoning for having these suspicious activity reports. So, I think we, sort of, start to tread down very thin ice here. This is a national issue; the national government still is enforcing the prohibition against marijuana. The last ten days, two weeks ago, we saw, I believe, two or three significant arrests, and the taking and confiscation of large amounts of marijuana, cash, firearms. So, we're sort of in this period where we don't necessarily have clear answers, and I certainly don't believe that this is where -- a place where Maine needs to be taking the lead. I will be opposing the bill. I ask that you follow my light. Thank you.

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

Representative **HYMANSON**: Thank you, Madam Speaker, Men and Women of the House. In Health and Human Services, currently, we are amending the medical marijuana laws, and one thing that was pointed out in my district was what we're calling "good neighbor policies;" and that is protecting a neighborhood from medical marijuana grow facilities that are assumed to have a lot of cash inside, and what they do is put up security cameras all around and really make a neighborhood safe. So much so that I visited someone's house, and she was moving, because she was afraid to have her daughter stand on the edge of the driveway waiting for the school bus because they didn't know what was happening in the grow facility next door with all the security cameras. So, this is a current problem. We're trying to address this, and I think we have in our new medical marijuana amendments, but this is a problem, and I think we need to confront this and look at it head-on rather than kicking the can down the road, because, really, the can's here. Thank you, Madam Speaker.

The SPEAKER: The Chair will remind all members that during the course of debate, even as we are oftentimes trying to convince other members to vote with us, that all comments should be directed towards the rostrum. In the future, I will interrupt members to remind them of that. The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker, and I wondered if I might ask a question through the Chair.

The SPEAKER: The Representative may proceed.

Representative **SIROCKI**: Thank you. I have a question and a concern about the insurance that was mentioned. I've been a long-time credit union member myself, and I know that looking at a lot of bank windows you notice the FDIC symbol, indicating that you have some security there if something goes wrong within that banking institution, you have insurance; and it's my understanding that these credit unions would not be able to access that type of insurance, and that private insurance is very difficult to get. Is there a provision in this bill that requires insurance for these credit unions? Thank you.

The SPEAKER: The Representative from Scarborough has posed a question to anyone who might be able to answer.

The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, coincidentally, today happens to be opening day of the Maine's elver fishery; and what does that have to do with this debate? A few of you may recall that, up until a few years ago, the elver fishery was largely a cash business. There were thousands, tens of thousands of dollars being transferred in the middle of the night, and that cash aspect of the business contributed to a significant amount of illegal activity. This body, a few years ago, required that elver transactions be conducted by check, so there's a paper trail; and that, among other things, has helped reduce -- significantly reduce that illegal activity. That's not an option for marijuana or medical marijuana businesses. If we're concerned about illegal activity, giving those businesses access to a banking system, and at some point maybe requiring that those transactions be done in an electronic or check fashion so that there is a paper trail, will help us keep a handle on illegal activity in that industry. Thank you, Madam Speaker.

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

Representative **FOLEY**: Thank you, Madam Speaker, I rise to answer the question that was posed to the Chair. The bill does not require; it says it may procure private insurance. Thank you.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time. I only rise to raise another issue, very quickly. In Maine, our Maine credit unions have what's called shared branching -- shared banking; I apologize for that. What that essentially means is, if you belong to Sebecook Valley Federal Credit Union in Newport, even though we don't have a branch in Madawaska, so long as there is a branch in Madawaska of a credit union, you can walk in to, essentially, the credit union in Madawaska, and do a transaction which affects your accounts at Sebecook Valley Federal Credit Union in Newport.

My point in raising that is that, because we have all of our credit unions intertwined here in the State of Maine, where you can go in any credit union and do a transaction, that would raise even more concerns and more issues about these potentially large cash transactions, where someone could go into a credit union and say, "Hey, I want to do X, Y, and Z in regards to my account," which might be in a -- I guess in a credit union that allows marijuana banking versus one that doesn't; and so, again, I think it raises a lot of real concerns and questions. My understanding is, is that the superintendent, the insurance folks and the banking testified against this bill. Again, I would urge you to follow my light in opposing the bill.

The SPEAKER: The pending question is acceptance of the Minority Ought to Pass as Amended Report. The Chair recognizes the Representative from Monmouth, Representative Ackley.

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

The SPEAKER: The Member may proceed.

Representative **ACKLEY**: Thank you, Madam Speaker. Could someone reflect for me whether Maine's credit unions are in favor of this bill or not?

The SPEAKER: The Representative from Monmouth, Representative Ackley, has posed a question through the Chair if there is anyone who could answer. The Chair recognizes the Representative from Portland, Representative Sanborn.

Representative **SANBORN**: Thank you, Madam Speaker. I would answer in the affirmative, that the credit unions are in favor of the bill.

Representative **FREDETTE**: Madam Speaker, Point of Order.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette, and inquires as to his Point of Order.

Representative **FREDETTE**: Madam Speaker, the information that I have is that the credit unions, in the league, is neither for nor against, so I would stand to take issue with the representation.

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

**ROLL CALL NO. 520**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, 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, Prescott, Reckitt, Riley, Rykerson, Sanborn, Sanderson, Schneck, Sheats, Spear, Stanley, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Ceбра, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Handy, Hanington, 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, Reed, Sampson, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor.

ABSENT - Battle, Casas, Hanley, Seavey, Sherman, Sylvester, Tuell, Wood.

Yes, 78; No, 65; Absent, 8; Excused, 0.

78 having voted in the affirmative and 65 voted in the negative, with 8 being absent, and accordingly the Minority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-362)** 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-362)** in concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Ensure Patient Protections in the Health Insurance Laws"

(S.P. 431) (L.D. 1279)

Signed:

Senators:

WHITTEMORE of Somerset

DOW of Lincoln

Representatives:

CRAIG of Brewer

FOLEY of Wells

PICCHIOTTI of Fairfield

PRESCOTT of Waterboro

WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-377)** on same Bill.

Signed:

Senator:

CARSON of Cumberland

Representatives:

LAWRENCE of Eliot

BROOKS of Lewiston

COLLINGS of Portland

MELARAGNO of Auburn

SANBORN 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-377)**.

**READ**.

Representative LAWRENCE of Eliot moved that the House **ACCEPT** the Minority **Ought to Pass as Amended Report**.

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

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

Representative FREDETTE of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

**ROLL CALL NO. 521**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, 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, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, 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, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Battle, Casas, Hanley, Sherman, Sylvester, Tuell.

Yes, 78; No, 67; Absent, 6; Excused, 0.

78 having voted in the affirmative and 67 voted in the negative, with 6 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-377)** 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-377)** in concurrence.

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Allow the Efficient and Responsible Acquisition and Sale of Property by the Department of Administrative and Financial Services"

(S.P. 672) (L.D. 1794)

Signed:

Senators:

DAVIS of Piscataquis  
DESCHAMBAULT of York  
KEIM of Oxford

Representatives:

MARTIN of Sinclair  
BEEBE-CENTER of Rockland  
BRYANT of Windham  
HOGAN of Old Orchard Beach  
MADIGAN of Rumford  
SPEAR of South Thomaston

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

Signed:

Representatives:

HARRINGTON of Sanford  
ORDWAY of Standish  
PICKETT of Dixfield

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

**READ**.

On motion of Representative MARTIN of Sinclair, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Increase the Penalty for Aggravated Sex Trafficking"

(H.P. 183) (L.D. 250)

Signed:

Senators:

ROSEN of Hancock  
CYRWAY of Kennebec  
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell  
HERRICK of Paris  
LONGSTAFF of Waterville  
MAREAN of Hollis  
NADEAU of Winslow  
RECKITT of South Portland  
TALBOT ROSS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-651)** on same Bill.

Signed:

Representatives:

COREY of Windham  
GERRISH of Lebanon  
GROHMAN of Biddeford

**READ**.

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

Representative FREDETTE of Newport **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 Presque Isle, Representative Stewart.

Representative **STEWART**: Thank you, Madam Speaker. Good morning -- afternoon, Ladies and Gentlemen of the House. So, this was my bill. It should be familiar to pretty much everybody in the chamber, considering that we've had a debate on this three or four times at this point. Apparently what happened was, is it got sent back to Committee after it passed the House last session, it was amended in Committee and the report was changed quite significantly after that. I think -- I'm realistic of the circumstances surrounding the bill at this point. I think it's a good bill still. Increasing the penalty for sex trafficking of a minor, I think, is something that we should still support in this Chamber; though I don't find it likely that it will pass in the other Chamber; and so, with that, I will just end my testimony by saying I am somewhat disappointed in how the process has played out on this piece of legislation, and I rest my case.

The **SPEAKER**: The Chair will remind Members that we cannot talk about the actions or predict the actions of the other body.

The Chair advised all members that it is inappropriate to refer to the potential action of the other body in order to influence the vote of the House.

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. 522**

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

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

ABSENT - Battle, Casas, Hanley, Sherman, Sylvester, Tuell.

Yes, 77; No, 68; Absent, 6; Excused, 0.

77 having voted in the affirmative and 68 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Improve Public Safety through Expanded Department of Corrections Treatment, Education and Vocational Programs"

(H.P. 1186) (L.D. 1706)

Signed:

Senators:

- ROSEN of Hancock
- CYRWAY of Kennebec
- DIAMOND of Cumberland

Representatives:

- COREY of Windham
- GERRISH of Lebanon
- HERRICK of Paris
- LONGSTAFF of Waterville
- MAREAN of Hollis
- NADEAU of Winslow

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-653)** on same Bill.

Signed:

Representatives:

- WARREN of Hallowell
- GROHMAN of Biddeford
- RECKITT of South Portland
- TALBOT ROSS of Portland

**READ.**

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

Subsequently, Representative WARREN of Hallowell **WITHDREW** her motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

The same Representative moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

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

Representative **GERRISH**: Thank you, Madam Speaker, Men and Women of the House. I rise today in opposition of the pending motion. Nine members of our Committee voted Ought Not to Pass on this legislation, and for good reason. The Department of Corrections already is completely committed to the continued enhancement of rehabilitative programming that they offer inmates in custody. This includes education, vocational programming. In fact, in the last two years, the Department has focused greatly on evaluating, enhancing, and expanding education and voc-tech programs in all their facilities, in a committed effort to better prepare inmates for reintegration into the community and placement into the workforce. This legislation asks the DOC to do a number of things, all within the limits of available resources. I am telling you that the DOC already does do all it can within its existing resources. This is some sort of micromanagement of the DOC that we absolutely should not be mandating. I ask you to follow the will of the majority of the Committee and vote Ought Not to Pass on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Talbot Ross.

Representative **TALBOT ROSS**: Thank you, Madam Speaker. I just would like for the Ladies and Gentlemen of the Chamber to know that this bill was written together with the Department of Corrections. They were a part of this process every step of the way. For over a year and a half, we've worked diligently to address the issues of rehabilitation in the Department of Corrections and throughout the correctional system, and there was a lot of work that went into this bill in order to ensure that the mission of the Department of Corrections fulfilled its rehabilitation purposes. Thank you.

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

**ROLL CALL NO. 523**

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

ABSENT - Battle, Casas, Hanley, Sherman, Sylvester, Tuell.

Yes, 75; No, 70; Absent, 6; Excused, 0.

75 having voted in the affirmative and 70 voted in the negative, with 6 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-653)** 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-653)** and sent for concurrence.

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-650)** on Bill "An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission" (EMERGENCY)

(H.P. 1239) (L.D. 1795)

Signed:

Senators:

ROSEN of Hancock  
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell  
COREY of Windham  
GERRISH of Lebanon  
GROHMAN of Biddeford  
HERRICK of Paris  
LONGSTAFF of Waterville  
MAREAN of Hollis  
NADEAU of Winslow  
RECKITT of South Portland  
TALBOT ROSS of Portland

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

Signed:

Senator:

CYRWAY of Kennebec

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-650)** 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-650)** and sent for concurrence.

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding the Prohibition on the Possession of a Firearm on School Property"

(H.P. 1215) (L.D. 1761)

Signed:

Senators:

LANGLEY of Hancock  
MAKER of Washington  
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor  
DAUGHTRY of Brunswick  
FARNSWORTH of Portland  
FULLER of Lewiston  
GINZLER of Bridgton  
McCREA of Fort Fairfield  
PIERCE of Falmouth  
SAMPSON of Alfred  
STEWART of Presque Isle

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

Signed:

Representative:

TURNER of Burlington

**READ.**

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

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Exempt from Hunter Safety Courses Certain Veterans and Persons Who Have Completed Firearms Safety Courses"

(H.P. 1278) (L.D. 1836)

Signed:

Senators:

CYRWAY of Kennebec  
CARPENTER of Aroostook  
WOODSOME of York

Representatives:

DUCHESNE of Hudson  
HARLOW of Portland  
LYFORD of Eddington  
NADEAU of Winslow  
REED of Carmel  
STEARNS of Guilford  
WOOD of Greene

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

Signed:

Representatives:

ALLEY of Beals  
MASON of Lisbon  
THERIAULT of China

**READ.**

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONSTITUTIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO REQUIRE A BALANCED FEDERAL BUDGET

(H.P. 1251)

Signed:

Senator:

DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair

BEEBE-CENTER of Rockland

BRYANT of Windham

HOGAN of Old Orchard Beach

MADIGAN of Rumford

SPEAR of South Thomaston

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

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

HARRINGTON of Sanford

ORDWAY of Standish

PICKETT of Dixfield

**READ.**

Representative MARTIN of Sinclair moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, HP 1251 is one of two applications to Congress calling for a Constitutional Convention under Article V that will be heard in this session. HP 1251 is seeking an amendment to the United States Constitution to require a balanced budget at the federal level.

The issue for the majority of Committee members was not whether we ought to have a balanced budget at the federal level. The issue was, and still is, the opposition is, how we get there and the method used to get there. In fact, Congress could in fact impose a balanced budget if they so desired. An Article V convention has never materialized. However, in 1861, the states held a dry run for an Article V convention for proposing an amendment, and that did not end well. Again, this method has never been used to amend the Constitution. My motion to accept the Majority Committee Report is based on the following: a Constitutional Convention could open up the United States Constitution to whatever amendments its delegates chose to propose, regardless of the stated purpose of the convention. And who would select the delegates? Can you imagine the amount of money and influence that would take place in this selection process? We've all heard the term

"runaway convention." This is a major concern of most of our Committee members. It is my understanding that, in 1787, the delegates ignored the original charge, which was to amend the Articles of Confederation. Instead, they drafted an entirely new governing document, and it is very unlikely the federal courts would back the states if the delegates choose to expand the scope of their actions.

In closing, Madam Speaker, allow me to quote a member and former member of the United States Supreme Court. This is what Supreme Court Justice Scalia said, and I quote, "I certainly would not want a Constitutional Convention. Wow, who knows what could happen and come out of that?" Former Supreme Court Chief Justice Warren Burger said, and I quote, "There is no way to effectively limit or muzzle actions of a Constitutional Convention. The Convention could make its own rules, set its own agenda, Congress might try to limit the Convention to one amendment or one issue but there is no way to assure that the Convention would," in fact, "obey. After a Convention is convened, it will be too late to stop the Convention if we don't like their agenda."

Madam Speaker and Ladies and Gentlemen of the House, I urge you to vote for the pending motion, which is the Majority Ought Not to Pass Committee Report. Thank you.

Representative ESPLING of New Gloucester **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 Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise to oppose the pending motion. You know, the United States hit \$21 trillion in debt last Friday, and we currently have over \$100 trillion in unfunded liabilities. If this isn't scary enough, we have to look at what countries are buying our debt. So, we owe over \$20 trillion of debt to countries who are not our friends? How is this going to end? Probably not very well.

You know, Madam Speaker, I have two beautiful children that are 3 and 5 years old. Why do we want to do this to them? Think of our children. Think of our grandchildren. We have a solution right here in front of us. Madam Speaker, governments do not spend less voluntarily, and it's apparent that Washington D.C. is not going to balance its budget on its own. The longer we wait, the more painful this country, my children, our collective grandchildren are going to have to endure. Madam Speaker, we're going to blink and our debt will be over \$50 trillion, and we'd wish we had taken action when we had the chance on March 20, 2018.

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

Representative **PICKETT**: Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. In the 1990s, Maine and 22 other states passed laws to place term limits on their congressional delegations. These laws were later overturned by the courts, and it was ruled that the only method of imposing term limits is to propose an amendment to the US Constitution under Article V. Now, does anyone in this Chamber honestly believe that Congress will ever pass an amendment by the necessary two-thirds to limit their own terms? The Constitution was amended by the states to limit the terms of the president to two terms, and I believe that most of us appreciate that we have the 22<sup>nd</sup> Amendment today. No person should be allowed to hold office for life --

The SPEAKER: The Representative will defer. I believe the Representative is referring to another bill which will be on our calendar shortly, which is Unfinished 19.

Representative **PICKETT**: I withdraw my objection.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I hadn't intended to speak on this -- oh, who am I kidding? That's just about as believable as when the rest of you say it.

There is no mechanism in American politics, unlike other countries, to break up gridlock by divided government, except through compromise or amendments. If you're in Great Britain, one ruling party has the whole thing. They run the government. If there is a vote of no confidence, they dissolve it and call for elections. In coalition governments across the European continent, it is the same. But since the Second World War in this country, we have lived with divided government more than we have lived with non-divided government. And the way that historically this has either been broken is you either -- one party has to overwhelm the other one with two-thirds, so you control 60 votes in the Senate, or you deal with compromise. It's happened a couple times. After the Civil War, the Republicans ran roughshod; after the New Deal, the Democrats ran roughshod and broke those particular forms of gridlock.

We have \$20 trillion in debt. What I'm stunned about sometimes is how in this Chamber we hand pieces of paper theoretically back and forth. This would, from my side of the aisle, almost assuredly, if you pass a balanced budget amendment, be the biggest tax increase in U.S. history, because you would be forced to deal with the big issues.

The SPEAKER: The Representative will defer. The Representative will please direct all comments towards the rostrum. The Representative may proceed.

Representative **HARVELL**: My protractor was off. The idea that we could put this forward and it immediately becomes an amendment seems to understand that amendments, once they are proposed, have to come back for ratification. Every single amendment to the U.S. Constitution has at one time been in this building and had to be voted on for ratification, so the idea that they could propose -- if they did become a runaway convention, they still have to return to the states for ratification. So, that's how that works. We have \$20 trillion -- \$20 trillion in debt, and I don't see another way that what we tell them, that's what we need.

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

Representative **CHAPMAN**: Thank you, Madam Speaker. Friends and Colleagues of the House, I'll be brief. I want to speak to the fear issue. I don't want to speak to the fear issue relative to the loss of our democracy; I think it's very fragile, I think we could lose our democracy quite easily. At the same time, I think it's useful to distinguish between the fears of losing our democracy through illegal actions such as government takeover, tyrannical behavior, etc., and losing our democracy over legal actions, which seem to be one of the fears being expressed with regard to runaway conventions that can do all sorts of harm.

So, let me just quickly illustrate what the three protections are between where we are and where we would be if we went an Article V route. The first, and the one that has come into play in the past, is that Congress does not want to see an Article V Convention, for the very reason that it might threaten the power of Congress. And so, in the past, when Article V

Conventions have been proposed and got close enough to the mark, Congress then took some action and came up with their own proposals.

The second barrier is whether or not a Convention could be limited in scope, and the decision is not Congress's decision, the decision is the Supreme Court's decision. There is no case law on Article V Conventions because there have been none. But, assuredly, there would be a case brought if a state chose to limit its topic for -- in its Article V Convention Call, and that limitation was not being observed, there would be a case that would be brought; and the Supreme Court likewise would be self-interested in allowing for a limitation, otherwise their own power would be subject to being taken from them.

And then the third barrier is the one already mentioned by the good Representative: that is, any proposal that comes out of a Convention of any degree of chaos has no force of law until three-quarters of the states ratify it. So, just to understand the process, those are the three barriers that protect us from unwanted activity. I would note historically, in Maine, at least since 1911, every Article V Convention Call from Maine has had very strict limitations written into the convention call. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to this motion. And the reason why I rise in opposition to this motion is basically because: the states. This is a right that, when the founders of the Constitution enacted the Constitution, they gave the states the right to be able to -- to challenge the Constitution or change the Constitution upon will, by convention, to take two-thirds vote to both bodies of each State Legislature in order for this to pass a State Constitution. And in our own Constitution, an Article V, Article IV, Part III, Legislative Power, Section 15, Constitutional Convention, "the Legislature shall, by a two-third concurrent vote of both branches, have the power to call constitutional conventions, for the purpose of amending this Constitution." That's the Maine Constitution and not the Federal Constitution. So, we have the power in the state to be able to do the same thing that the states want to do for the Federal Government. And, to be honest with you, this is a thing -- everybody talked about a runaway convention and all that stuff, but you want to stop and think and realize here, look at our south in this state. This is the opportunity that states have to express their rights, and to what they feel the Constitution of the United States should look like, and not through the representative but by through the states. The other thing we've got to realize is, you look at Maine, we have a petition process, a referendum process that the citizens, our own citizens, can use to change the laws that we make here in this building. So, you know, this is a thing that our forefathers founded way back in 1776, that we could, as a state, be able to change the Constitution of the United States and that is something -- the balanced budget is one of the articles that this Convention would be looking at, and by looking at this, it gives the power back to the states, instead of taking the power away from the states, and that's one thing that we've lost here. We've lost the power of being able to help our government. Now, everybody says, "Okay, we elect officials and they can do what they want, you know, they put the laws in and pass the laws in Congress," but we do the same thing. But the referendum process is sitting here, doing what they want to do for us. So, to me, you know, this is just a step that is not out of the blue, it's been there for 240 years, and it's something that should be there that we should be able



to recognize and use, because this is our country, and our state is part of our country. And it's going to take 34 states in order to be able to do this, and take two-thirds of both bodies, both bodies in each State Legislature in order for this to become even a convention.

So, what I think is that we should be looking at how we can do certain things, and I'm going to bring one to the point of mind that's not -- hasn't been thought of: you know, wouldn't it be nice to have a national health insurance policy part of the Constitution of the United States, where the government pays and not the people pay, I mean, for payments. This is something that, you know, we always look at the negative sides of this stuff. We ought to be looking at the positive side of this, how we can help the people of this country, because I'll tell you what, this is about people, how we can help people. And we can elect people and term limit people and do everything we want, but I tell you what, the states are faced with the same problem as the Federal Government; and if we can work as a unionized body for the state and the Federal Government, to be able to change the Constitution, to enact some things that are important for the people of Maine and for the people of the United States, that's the key to this. And everybody talks about runaway convention, everybody talks about that. I think it's time that we, the state, use this to our advantage and do what we can do to make the United States a better country. Thank you.

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

Representative **RYKERSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I'd just like to point out that we've had 27 amendments to the United States Constitution. The process outlined in the Constitution has worked pretty well, maybe not perfectly, but there's no reason we have to have a different process here now. If there's an amendment to be made, there's a process to be done and we can use it. One little point of -- that I'd like to make is, also, the first 12 amendments were not seen by this body, because this body did not exist at that point. Except for that point, thank you very much, Madam Speaker.

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. 524**

YEA - Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Guerin, Hamann, Handy, Hanington, Harlow, Head, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Parker, Perry, Pierce T, Prescott, Reckitt, Riley, Rykerson, Sanborn, Sanderson, Schneck, Sheats, Sirocki, Spear, Stewart, Sutton, Talbot Ross, Tepler, Terry, Tipping, Tucker, Turner, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Ackley, Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Haggan, Harrington, Harvell, Hawke, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Marean, Mason, McElwee, Ordway, Parry, Perkins, Picchiotti, Pickett, Pouliot, Reed, Sampson, Seavey, Simmons, Skolfield, Stanley,

Stearns, Stetkis, Strom, Theriault, Timberlake, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Battle, Casas, Fay, Hanley, Pierce J, Sherman, Sylvester, Tuell.

Yes, 87; No, 56; Absent, 8; Excused, 0.

87 having voted in the affirmative and 56 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, March 15, 2018, 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 (7) **Ought Not to Pass** - Minority (5) **Ought to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONSTITUTIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO IMPOSE CONGRESSIONAL TERM LIMITS

(H.P. 1232)

TABLED - March 15, 2018 (Till Later Today) by Representative MARTIN of Sinclair.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative MARTIN of Sinclair moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative ESPLING of New Gloucester **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 Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise to oppose the pending motion. You know, the biggest problem I've found with this bill and the last one is that, you know, some members of this body did not understand the Article V process in the U.S. Constitution. The good Representative from Brooksville just laid that out, and the process allows for a Convention to amend the U.S. Constitution by 34 states calling for it, and here's where the framers' consistent genius comes in. You know, 38 states have to ratify what comes out of the Convention. This is a process that the framers put in the Constitution when Washington D.C. got out of control.

Madam Speaker, Congress is out of control. Term limits will address the dysfunction by providing opportunities for new people to go to Congress, with better ideas and a commitment to do the work of the people. Since they know they have a limited time to achieve their goal, they will be more focused and work harder on tough issues for the constituents, instead of focusing on getting reelected. Therefore, I will be voting to

pass HP 1232, so that Maine will be one of the 34 states that will bring this much needed reform to our nation. Thank you, Madam Speaker.

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

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. They say practice makes perfect, so we'll see how that goes. I do rise in opposition to the pending motion, and I'm not going to bore you with going through the first part, but I will start where it says the Constitution was amended by the states to limit the terms of the president to two terms, and I believe that most of us appreciate that we have a 22<sup>nd</sup> Amendment today. No person should be allowed to hold office for life. This was one of the issues Thomas Jefferson disliked about the new Constitution. In a letter he wrote to James Madison he stated, and I quote, "The second feature I dislike, and greatly dislike, is the abandonment in every instance of the necessity of rotation in office, and most particularly in the case of the President. Experience concurs with reason in concluding that the first magistrate will always be re-elected if the constitution permits it. He is then an officer for life." Jefferson continued, "But experience shows that the only way to prevent disorder is to render them uninteresting by frequent changes. An incapacity to be elected a second time would have been the only effectual preventative. The power removing him every fourth year by the vote of the people is a power which will not be exercised." Well, today, we know Jefferson was right about the inability of the people to vote incumbents out of office, and this is exactly why we need to bring rotation of office back to our form of government. Congress has demonstrated time and time again that it is either unwilling or unable to work together to propose solutions to the most pressing needs facing our nation today. Those that have been there for decades care more about staying in office than making bold decisions that could jeopardize their re-election. They continue to kick the can down the road, and our nation cannot sustain much more of it. Term limits will address this dysfunction by providing opportunities for new people to go to Congress with new and better ideas, with a commitment to do the work of the people. Since they know they have a limited time to achieve their goal, they will be more focused and work harder on tough issues for their constituents, instead of focusing on getting re-elected. Therefore, for these reasons, I will be voting in opposition to this motion, and ask that you'd follow my light. Thank you, Madam Speaker.

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. 525**

YEA - Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Espling, Farnsworth, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Guerin, Hamann, Handy, Hanington, 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'Connor, O'Neil, Parker, Perry, Picchiotti, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Sirocki, Spear, Stewart, Strom, Talbot Ross, Tepler, Terry, Tipping, Tucker, Turner, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Ackley, Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Chapman, Corey, Craig, Dillingham, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Haggan, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, Ordway, Parry, Perkins, Pickett, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Skolfield, Stanley, Stearns, Stetkis, Sutton, Theriault, Timberlake, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Battle, Casas, Fay, Hanley, Pierce J, Sherman, Sylvester, Tuell.

Yes, 83; No, 60; Absent, 8; Excused, 0.

83 having voted in the affirmative and 60 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** 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. 609) (L.D. 1652) Bill "An Act To Authorize the Commissioner of Marine Resources To Limit the Number of Shrimp Licenses That May Be Used in Certain Seasons" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-376)**

(S.P. 636) (L.D. 1737) Bill "An Act To Preserve Medication Management for Persons with Mental Health Needs" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-379)**

(S.P. 689) (L.D. 1837) Bill "An Act To Allow Cash Prizes for Certain Raffles Conducted by Charitable Organizations" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-378)**

(H.P. 1270) (L.D. 1828) Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Bath" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 1204) (L.D. 1724) Bill "An Act To Authorize Municipalities To Develop and Operate Pilot Programs for the Use of Autonomous Vehicles for Public Transportation" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-649)**

(H.P. 1220) (L.D. 1766) Bill "An Act To Improve Marketing Efficiency in the Harness Racing Industry by Requiring Its Promotion by the State Harness Racing Commission and by Repealing the Harness Racing Promotional Board" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-652)**

(H.P. 1277) (L.D. 1835) Bill "An Act To Transfer Funds within the Department of Inland Fisheries and Wildlife" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-647)**

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.

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**ENACTORS**

**Emergency Measure**

An Act To Provide for the 2018 and 2019 Allocations of the State Ceiling on Private Activity Bonds

(S.P. 666) (L.D. 1787)  
(C. "A" S-375)

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. 114 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**

Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry

(S.P. 640) (L.D. 1741)  
(C. "A" S-373)

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. 76 voted in favor of the same and 64 against, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

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**Emergency Measure**

Resolve, Directing the Attorney General To Update the Portions of the Consumer Law Guide Pertaining to Implied Warranties

(S.P. 659) (L.D. 1772)  
(C. "A" S-374)

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. 126 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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**Emergency Measure**

Resolve, Regarding Medicaid Reimbursement for Rehabilitation Hospitals

(H.P. 1224) (L.D. 1778)  
(C. "A" H-622)

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. 124 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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**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1246) (L.D. 1801)  
(C. "A" H-623)

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. 119 voted in favor of the same and 6 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Mandate**

An Act To Modernize and Improve Maine's Property Tax System

(H.P. 1018) (L.D. 1479)  
(C. "A" H-624)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 91 voted in favor of the same and 53 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**.

On motion of Representative HERBIG of Belfast, the House **RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

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

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**Acts**

An Act Regarding the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists

(S.P. 183) (L.D. 565)  
(C. "A" S-372)

An Act To Recognize the Accreditation of Certain Private Schools

(S.P. 630) (L.D. 1731)  
(C. "A" S-371)

An Act Regarding Youth Hunting Day for Hunting Bear and Carrying a Handgun during the Regular Archery-only Season on Deer

(S.P. 669) (L.D. 1790)  
(C. "A" S-369)

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, Directing the Department of Education To Adopt Protocols Designed To Prevent Youth Suicide

(H.P. 1174) (L.D. 1694)  
(C. "A" H-621)

Resolve, To Support Vulnerable Seniors by Funding Assisted Living Programs

(S.P. 641) (L.D. 1742)  
(C. "A" S-364)

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

An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances

(H.P. 1043) (L.D. 1519)  
(C. "A" H-611)

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

On motion of Representative HERBIG of Belfast, was **SET ASIDE**.

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

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

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

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 15, 2018, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "B" (H-605)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit"

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

TABLED - February 27, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-605)** was **READ** by the Clerk.

Representative MADIGAN of Rumford **PRESENTED House Amendment "A" (H-637) to Committee Amendment "B" (H-605)**, which was **READ** by the Clerk.

The SPEAKER: The Representative may proceed.

Representative **MADIGAN**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I rise on behalf of my constituents in the Town of Woodstock, and I speak for them because one thing that this bill does is it includes binding mediation in the process for withdrawal from a school system.

There are two school districts in the State of Maine that have been recognized to have special, real unique

considerations, that this particular binding mediation would pose a significant problem for my school district. I want to read to you from Private and Special Law, 1997. It is enacted to read: "9. Authorization required. Notwithstanding any withdrawal proceedings initiated or completed pursuant to the Maine Revised Statutes, Title 20-A, section 1405, prior to the effective date of this section, or any subsequent action taken by the Town of Frye Island, the Town of Frye Island is a part of and may not withdraw from School Administrative District 6 or its successor, unless such withdrawal is first authorized by further amendment to this chapter." Well, there's a good reason for that: because, at the time, Frye Island and the land value associated with it was part of the town of Standish; and yet Frye Island, made up mostly of summer homes because it's in the middle of Sebago Lake and the lake freezes, they wanted to become their own town. Well, one of the agreements in allowing them to become their own town and separate from the town of Standish was that they would stay in the school system, because all of us know that part of our property tax bill, a big part of it, is based on the value of our property. Well, there's a lot of value in the property on Frye Island, and yet they have zero students.

I'd like to move up to 2005 now, and read you Public Law 2005, Chapter 2, Section D-69, Method of cost-sharing; exemption. "Beginning in fiscal year 2005-06, the provisions of Maine Revised Statutes, Title 28, section 15688, subsection 2 do not apply in determining the local cost of education of member municipalities in Maine School Administrative District No. 6 and No. 44. Cost-sharing formulas established between the member municipalities in these 2 administrative districts prior to January 1, 2005 remain in effect until the formulas are changed pursuant to Title 20-A, section 1301, subsection 3. Pursuant to section 68, all other school administrative districts and community school districts whose cost-sharing formulas were established in accordance with Title 20-A, sections 1301 and 1704, respectively, remain subject to a phase-in approach to achieve the requirements of Title 20-A, section 15688, subsection 2, and must reach full implementation of this provision no later than fiscal year 2008-09."

The Town of Newry, which is in S.A.D. 44, is a very small town with maybe 20 students, that has about 40% of the tax value in the school district, \$481 million. That is so unusual that the Legislature, in 2005, recognized that when LD 1 passed, which required school funding to be dealt with on a per-student, per-pupil cost basis, that that would make a huge shift from a town with a large value and a very small student population to all the other towns in the district. When Newry has been part of this same district, S.A.D. 44, for 50 years, and they've always acknowledged, they've each -- every town is assessed based on 100% of their value. It doesn't get any fairer than that. That's how we all pay our property tax.

So, my amendment simply says and acknowledges that these two systems have been uniquely assessed for many, many years, they really have to stay that way to make it reasonable for the cost of education in those areas. All my amendment does is, it says when it comes to mediation, and particularly binding mediation, those two districts are exempt from that provision of the law. It doesn't change any of the other good things that the Education Committee passed unanimously in LD 1336, and, believe me, I'm a first-time Legislator and I've learned to appreciate, seriously, when a bill comes out of its Committee unanimous and goes on the consent agenda; that is a big deal, and I don't take that lightly. But I also was elected by people in the Town of Woodstock, and this would be a tax shift of over \$2 million from the Town of

Newry; and if you took the average per-pupil cost in the state, which is what they would be allowed to tuition their children back, maybe \$10,000 a person, you're looking at a bill for Newry of about \$200,000 versus over \$2 million. There's a big difference in allowing a town to get out of a school system when they simply want a tax break, versus a town like Andover that got out of the same system back in 2014. The issue there was the school board was talking about closing their elementary school. Well, the townspeople said, "Well, wait a minute, we want to have our elementary school, so we're going to keep -- we're going to get out and have our own school system." And, believe me, they're paying dearly for that, I'm told over 5 mill rate increase to fund education in Andover. But it's important that their kids stay in their elementary school. But, here's the difference: the S.A.D. eliminated the cost of that elementary school, so it wasn't that big of a burden. What Newry proposes to do is stop paying their fair share and simply tuition those children back to the same school system. There's no savings in the school system, and yet the burden on the other three towns is going to be very high. So, I ask you to support my amendment. It's very important for the people in my district. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Ginzler.

Representative **GINZLER**: Thank you, Madam Speaker. Madam Speaker and Members of this House, I rise in objection to this motion to adopt this amendment, and these are my reasons. First, it opens the door to carve-outs in a law that seeks to be fair and just to all school districts and municipalities. Second, these carve-outs will ensure a repetition of the endless bills that come before the Education Committee asking us to solve disputes regarding this issue; that's the withdrawal from a school district. Third, after many hours and days devoted to working a solution that is fair, we voted, not once, but twice, over two years, unanimously, to pass LD 1336. And, lastly, and what brings us to this point about this amendment is one school district, even though there's mentioned two. But, with regard, the reason that I object strongly is that S.A.D. -- S.A.D. 44 has no Private and Special Law exempting it from the withdrawal process outlined in our bill, in our law. And, lastly, S.A.D. 6 already arrived at a Special Law, so they are exempt *de jure*, in its dispute with Frye Island; and that issue, by the way, is being challenged in the courts. Thank you, Madam Speaker.

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 oppose this amendment to LD 1336. This amendment is a carve-out for two districts, and frankly, is the reason why we need to fix the law in Title 20-A. The current law keeps a district hostage if the school board wishes to do so. It is my understanding that one town in District 44 has been trying to withdraw for well over four years, and hasn't been able to do so because of the poorly written language in Title 20-A. The amendment basically denies a divorce, holding two districts hostage in an unhappy marriage should they wish to seek to withdraw, as in the case of Newry. This amendment would continue the status quo in these towns if the school board chooses to do nothing. This amendment exempts District 44 and S.A.D. 6 from clarity to the law, giving the illusion that they could withdraw; but instead, the amendment would continue to give the option, allowing the board of directors to have no timelines to respond to the withdrawal committee, thereby allowing the school board to use stall tactics. This amendment

would give the option for the board of directors to not bargain in good faith, thereby increasing fees to this municipality and also to the whole district as a whole. Accordingly, I do not believe that it's the law's intent to hold a town hostage. This happened to my community and now to Newry. Please join me in rejecting this amendment, which is a carve-out for two districts in the entire State of Maine. Thank you, Madam Speaker, Ladies and Gentlemen of the House.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-637)** to **Committee Amendment "B" (H-605)**.

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

Representative **TURNER** of Burlington **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It's not often that I get up to speak in support of an amendment in which the Committee on this side of the aisle has opposed. However, I find the argument in regards to the -- I find two issues here: the underlying bill itself, and then the amendment. And, I think we see a consensus, obviously, in regards to the underlying bill. The question that's arisen from the amendment is is, you know, we now seek to impose a state answer to now a question which has been ongoing in two school districts; and so essentially, in my opinion, what the state is doing is the state is stepping in and saying, you know, we are now going to mandate X to solve these issues and these problems. What I believe is the more proper approach is is to let the local people, i.e. home rule, resolve those issues. Now, it may be taking some time, but oftentimes what we see is is when the local municipalities have the ability and the fate to determine their own destiny, then those sorts of resolutions tend to last longer and it seems to resolve disputes. Now, in these two specific examples, in my opinion, in these two school districts, what you're going to see now is is the Department and this new process coming in to intervene and to essentially mandate a solution. I don't think that that's consistent with home rule and, you know, again, we're jumping into the middle of this process and we are, in fact, picking winners and losers. That's the end result of this bill. So, while I think it's fair to say we as the state are now going to pass a bill, and going forward this is the new set of rules, the new set of laws going forward, everybody has due notice for that. All the local people have due acknowledgement of, okay, these are the rules going forward. When we jump in the middle of a process, when a process has been ongoing under a certain set of rules, I think we overstep our bounds. Now, I don't know which side is right and which side is wrong, but I think, inevitably, the school districts in question here, these two, are going to resolve the issue, particularly given recognition that the Legislature has obviously brought this up and said, "Hey, look, guys, you need to solve this problem." But I just think that it's fundamentally wrong for us to essentially come in the middle of a process and impose, essentially, a new mandated process on it. I think in the end, quite frankly, what you may see is... I know I would recommend to the school board, "Hey, look, the state can't do this, let's bring a lawsuit." So, I think what at least I interpret from this particular bill is is, you know, let the new process go forward, let the two school districts in question continue to resolve their disputes. Sooner or later they're going to; but I think that this opens up an avenue for both of these school

districts and/or these individual towns to basically run to court and say, "Whoa, you can't get a new set of laws in place, well, when we've been trying to do this for a while." So, I will be supporting the amendment and ask that you follow my light.

The SPEAKER: There are six members in the queue. The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm probably one of the few people here that's actually had a practical experience with what we're trying to address here today.

Several years ago, I was the project manager for school consolidation for the Department of Education, and these rules came up at that particular time. And the debate within the Department was, will people negotiate in good faith or is there a need for mediation? Let me share a couple of experiences. About three years ago I was hired, along with another consultant, to help the Town of Wiscasset withdraw from the RSU that they had joined. The final bill for that withdrawal was just over \$1.4 million. The issue that Wiscasset faced is, how badly do we want to withdraw from the school district, and that was the demand by the school district. If you want to leave, this is what it'll cost you. I am thoroughly convinced that if mediation had been present at that time, that cost would have been substantially lower and more fair for the community of Wiscasset. Fortunately, they had been able to put substantial resources away from the days when they had Maine Yankee, so it did not have a significant impact on the taxpayers, but any other community it would have.

Recently, a small town in my district, Atkinson, 344 people, wishes to leave and join another school district, because of their belief it would provide more educational opportunities for their students. Well, obviously, the school district they want to leave doesn't really want that to happen, because it will increase taxes in the other communities. So, that process has been ongoing for about a year and a half, and finally, finally the Town of Atkinson said it's important enough for us to accomplish our goals that we'll meet the financial demands of the school district they're leaving. They're going to pay about a quarter of a million dollars. Think of that, 324 of them, a quarter of a million dollars, plus a lot of other financial concessions for the ability to do that, that will impact 18 students. Mediation was long overdue in that community and would have provided a fair process to make sure that the town paid its fair share in its impact on leaving that school district.

So, in my mind, I would agree with the good Representative from Newport that there's an overlying issue here that needs to be addressed. There's an issue of providing a fair process, and mediation provides that process. And the Education Committee recognized that and passed this bill out not once but, as reported, twice, by unanimous vote, and it's the second year in the row that bill is here before us. The issue that seems to be hanging here that endangers, I believe, the passage and final passage of this through the process is we have two outliers. And, I'm very familiar with both of them from school consolidation, and a few years ago I was asked by the Town of Standish to work with the board of selectmen about building perhaps a new high school; so I learned quickly about Frye Island. What we have in both cases, I believe, is essentially buyer's remorse. At the local level, agreements were made in good faith by all of the parties involved, and now we find, time later, that one party does not like the agreement in which they agreed to. I would hope that we would look at the big picture. I would support the recommendation that Representative Fredette made here just previously. I would

ask that you reject the amendment and move forth on the general principle of the bill, and I ask for your support as we move forward on behalf of all the other communities in the State of Maine that are impacted by not having this language. 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 Scarborough, Representative Sirocki.

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

The SPEAKER PRO TEM: The member may proceed.

Representative **SIROCKI**: Thank you. We've heard a lot about letting home rule work things out. We've also heard about stall tactics, and I guess it's a little unclear to me exactly what these stall tactics look like, and how long we're talking about. How long are these home districts stalling? If Maine statute allows for a process for towns to be considered to withdraw, if someone could please explain what those stall tactics look like? I think that would be helpful. Thank you.

The SPEAKER PRO TEM: The Representative has posed a question through the Chair to any member who wishes to answer. The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Madam Speaker. I mentioned stall tactics because when my district was withdrawing, the withdrawal committee gave the proposal to the school board, and the school board sat on it for 180 days. There is no timeline in the current law that is set for the Board of Education. The timeline is on the side of the town that wishes to withdraw. So those are the stall tactics. They would say they would meet with us and then cancel meetings, and so, before you knew it, 180 days had gone by. Thank you, Madam Speaker.

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

Representative **STEWART**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. As you know, I serve on the Education and Cultural Affairs Committee, so this was an issue that we heard multiple times and, as you've heard, for quite some time and at length in the Committee, where we came to a consensus. And, to give a little bit of the back story behind what was happening, the whole reason that we got into this mess to begin with is in large part because of these special carve-outs that already exist. And yet, this amendment proposes to put those same special carve-outs back into the bill that was supposed to fix that. And so, my point would be, if we're going to put these special carve-outs back in, we don't need the bill. This defeats the purpose of the bill if we put them back in. And I'd also point out, too, that a lot of the figures that have been tossed around today are based on speculation. They're speculation because we don't know what the new terms of the withdrawal would be. The process would be that they would go through binding mediation, and ultimately those terms would be set there. There's no way that we could know, here and now, what those numbers would be. It's probably fair to say that there would be a change, but whether that change is positive or negative for any party involved is impossible to know and impossible to predict in this moment. So, I would urge my colleagues not to be intimidated by some of the numbers that have been tossed around during

this debate. I would also state that if, in fact, this amendment did pass, I would urge my colleagues to simply vote against the bill, if it comes to that. I hope that it does not. I hope that we can understand the amount of time and energy and effort that has gone into crafting a system that is for those extreme circumstances, namely for the players mentioned in this amendment, that will allow us to move forward as a state, and have a system that allows everybody a fair chance to withdraw, and gives those students who have withdrawn the choice of where to go afterwards. I think in the case of Newry, they're paying about \$200,000 per student. So, I've heard speculation, again, that they're going to be tuitioning back into the school. I don't think that's accurate. There's a lot of private schools there, they could do whatever they want. Again, there's no way to know any of these things. The point is, we need a system that doesn't allow for easy maneuvers and skating around the issue at hand, and so with that, I hope that you would reject this amendment, and I appreciate your time.

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

Representative **MAREAN**: Thank you, Madam Speaker Pro Tem, Ladies and Gentlemen of the House. I stand in support of the amendment. LD 1336, as presented and not amended, is a one-size-fits-all. This is not a one-size-fits-all situation. We have seen the light before this to exclude these two school districts from the -- in a Private and Special Law for funding of education. This bill won't work for those two districts. The amendment is very important to the district that I represent, which is S.A.D. No. 6. The issue there is an island in Sebago Lake that's inhabited six months of the year. They're all second homes for folks that are trying to get away from paying their fair share of education. I am definitely and positively opposed to that, and hope that you will support the pending amendment. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgton, Representative Ginzler.

Representative **GINZLER**: Thank you, Madam Speaker. Madam Speaker, I'm rising, and I ask the House indulgence, I'm rising a second time; but I wanted to answer the Representative from Scarborough in regard to illustrating stalling tactics, and this is a very good illustration, and it has to do with the issue at hand. On November 5, 2014, Newry, a town in S.A.D. 44, began its withdrawal process, and is now in its 14th 90-day extension. Forty-one months have passed since the withdrawal process was started, and there's no end in sight. So that's just another example. And, Madam Speaker, I also would like to address the issue about whether the state has any -- and that came up, if the state has any right to have a position in this, or whether this is strictly local control. I would say that we have a rather fuzzy law on the books now that does not serve us well, and that people go to to try to resolve these issues. It's a state law. And I would be more than happy if I never, ever had to have a public hearing on this type of bill again, believe me. Never want to see one again. However --

The SPEAKER PRO TEM: The Member will defer. The House will be in order.

Representative **GINZLER**: However, these bills come to us --

The SPEAKER PRO TEM: The Member will defer. Disruptions while Members are speaking is not tolerated in this Chamber. Thank you. The Member will proceed.

Representative **GINZLER**: Thank you very much. So, Madam, the fact of the matter is that we didn't go to these bills and, as a state, stick our nose into the local issues. The bills came to us, and they come to us routinely, and so we are

asked to play Solomon, and we did. We worked it and worked it and worked it, we didn't shy away from it, and we came up with a unanimous, I believe, very fair and equitable solution. And so, again, Madam Speaker, I would say that the state does play a role if it can clear up the law, and that's exactly what this does. Thank you.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative **SIROCKI**: Thank you, Madam Speaker, and thank you for indulgence here. I would like to pose one more question. I think I'm a little confused.

The SPEAKER: The Member may proceed.

Representative **SIROCKI**: Thank you. It sounds to me like the amendment before us negates the bill, and I wondered if someone could make sure that I understand that correctly. That's how I view this. Thank you.

The SPEAKER: The Representative from Scarborough, Representative Sirocki, has posed a question to anyone who wishes to answer. The Chair recognizes the Representative from Presque Isle, Representative Stewart.

Representative **STEWART**: Thank you, Madam Speaker. The point of the bill, as it came to us, was to establish a uniform process for when those districts reach that clashing point and nobody wants to budge. And so, this is particularly the case in those districts which have been established in the debate to this point, namely Newry and Frye Island; and so, if you're going to exempt them, at least in my opinion, and certainly, in fact, it does negate the fact because it's no longer -- you've carved out some districts. So, it no longer applies to everybody, it applies to most but not all, but in my opinion defeats the purpose of why the bill is before us to begin with, and has a unanimous report. Thank you.

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

Representative **TURNER**: Thank you, Madam Speaker. I apologize for speaking a second time. What hasn't been pointed out, and I left out, was the fact that, once an agreement, a withdrawal agreement, is made between the two parties, the town then has to hold votes. The third and final vote has to be a two-thirds vote of those voting on that day. That's the local component, once both parties have something to put before the town. So, a two-thirds vote, as we know and we saw here today, is a very high threshold, as it should be. Thank you, Madam Speaker, Ladies and Gentlemen.

The SPEAKER: The Representative from Bridgton, Representative Ginzler, having spoken twice, requests unanimous consent to address the House for a third time. Hearing no objection, the Representative may proceed.

Representative **GINZLER**: I thank you very much. I appreciate that. It most definitely does negate the bill. It absolutely opens the door to going back through the continuous loop of coming back to the Legislature and the Education Committee to solve a local dispute. Thank you.

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

Representative **HEAD**: Thank you, Madam Speaker. I rise to speak to the amendment. I rise in support of the amendment, actually. We are in a situation in S.A.D. 44 that is unfortunate, that we haven't solved it in the amount of time that

it's taken. I refer to this report that you all have, and there has been extensions, not all made by Newry. Some of them were made by the school district. Just to clear that up. Now, there were four people that started this withdrawal petition, and four people only. Not everybody in Newry wants to withdraw, and it's made very clear in another letter that you received from Sunday River –

The SPEAKER: The Representative will defer. Members may not use props as they are speaking in the Chamber.

The Chair reminded Representative HEAD of Bethel that no props were allowed during the floor debate.

The SPEAKER: The Representative may proceed.

Representative HEAD: I'll do this, okay? But, in the letter from Sunday River, which is one of the larger employers in the area, they sent a letter, which you all received, and they say that they would be remiss in not voicing their belief in disfunding our school, in any manner, would disintegrate all of our children's future in the towns surrounding. Take away from education opportunities, in respect, goes against the desire to be part of a strong community, and that's what we are, we're a very strong community. But again, four people in Newry wanted to withdraw and signed the withdrawal request. Ninety-five of the people that own property and pay taxes in Newry don't live in Newry. Some of them live in Europe, some of them live in Florida, some of them live in Arizona. I brought along that, if anybody would like to look and see what the town commitment book says about the number of people that do not live in Newry. Who pays for the tax break that this would give Newry? Forty-six hundred people in the other three towns would be impacted by an increase in their taxes. Forty-two percent of them are elderly on a fixed income. They don't know what they're going to do if this happens. We've been working to solve this problem with them. It has been rejected at least three times, the recommendation from Newry. It has been rejected three times.

The mill rates for the towns right now as they stand: Greenwood, 13.44 is their mill rate already; Bethel, 13.22; Woodstock, 11.80; and Newry, 8.73. So, the impact this tax increase would put on these people is devastating. Not to mention, what's going to happen to the district? What's going to happen to the school, the student programs? All of those things, the impact is very, very important. So, again, I rise in support of this amendment, and hope that you will follow my light and vote against the bill and vote for this amendment. Thank you very much for listening to me.

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

Representative HIGGINS: Thank you, Madam Speaker, for allowing me to speak a second time. The concern that I think we would all have about a series of doom and gloom scenarios for the school systems that we hear today being described aren't really accurate. Because when the total allocation for a school system comes forth, determined by the Department of Education, there is a state and local share. And if you withdraw a substantial amount of valuation from a school district, then the state allocation is going to go up substantially, because as a -- because there'll be a mill rate, I believe it's 8.3 for next year; they'll multiply that by the then existing valuation, and that will be the local commitment. And the difference between that number and what the total allocation is, which might -- would be substantially lower now because of that higher valuation, when that disappears, the State will make up the difference. So, the people who are really going to get hit with paying the additional are not the local people. It's not the local people. It's going to be the State of Maine will be making

up that substantial difference. So, the impact on the school system and the local taxpayers should be very minimal by withdrawing those and the state making up the difference, because of the state and local share in the school funding formula. I wanted to make sure that was clarified. Thank you.

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

Representative ORDWAY: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this amendment. The Town of Frye Island made a deal. They made a deal with the Town of Standish, that if the Town of Standish would vote to let them withdraw, they would forever stay with S.A.D. 6. I'll just go with, a deal is a deal. As far as the funding, if the state makes up the difference, it's still taxpayer money. Now, it's not Standish's taxes, it's all of your taxes. This amendment affects two districts with substantial out-of-state homeowners, second homeowners. What they're asking to do now would be that everybody else in the State of Maine pick up the tab so that they can enjoy their vacation homes a little cheaper. Please follow my light and support this amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-637) to Committee Amendment "B" (H-605). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 526**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Campbell, Cardone, Cebra, Chapman, Collings, Cooper, Corey, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Farrin, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Golden, Grant, Grignon, Haggan, Handy, Hanington, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mastraccio, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, O'Connor, O'Neil, Ordway, Parker, Perkins, Perry, Pickett, Pierce J, Pouliot, Reckitt, Reed, Riley, Rykerson, Sanborn, Schneck, Sheats, Simmons, Skolfield, Spear, Stearns, Stetkis, Talbot Ross, Tepler, Terry, Tipping, Tucker, Vachon, Wadsworth, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Chace, Craig, Daughtry, Dillingham, Espling, Gillway, Ginzler, Grohman, Guerin, Harlow, Higgins, Johansen, Kinney M, Kornfield, Lockman, Lyford, Mason, McCrean, Nadeau, Parry, Picchiotti, Pierce T, Prescott, Sampson, Sanderson, Seavey, Sirocki, Stanley, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Wallace.

ABSENT - Battle, Casas, Fay, Hamann, Hanley, Sherman, Sylvester, Tuell, Ward.

Yes, 104; No, 38; Absent, 9; Excused, 0.

104 having voted in the affirmative and 38 voted in the negative, with 9 being absent, and accordingly **House Amendment "A" (H-637) to Committee Amendment "B" (H-605) was ADOPTED.**

**Committee Amendment "B" (H-605) as Amended by House Amendment "A" (H-637) thereto was ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-605) as Amended by House**



**Amendment "A" (H-637)** thereto and sent for concurrence.  
**ORDERED SENT FORTHWITH.**

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Bill "An Act To Reduce the Cost of Care Resulting from Blood-borne Infectious Diseases" (EMERGENCY)  
(H.P. 1187) (L.D. 1707)  
(C. "A" H-604)

TABLED - March 6, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **PASSAGE TO BE ENGROSSED.**

Representative VACHON of Scarborough **PRESENTED House Amendment "A" (H-648)**, which was **READ** by the Clerk.

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

Representative **VACHON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. What this amendment does is strip the emergency; and this bill is syringe exchange. So, some may be asking, aren't we in an emergency crisis here? Why would we strip an emergency? We need to do everything that we can possibly do right now to move this bill across the finish line. And I realize within this body there may be some confusion and misunderstanding to syringe exchange, so I would just like to clear up some of the confusion.

There is some thought that syringe exchange will lead to more injectable drug use, and there have been hundreds, hundreds of studies. No study has ever proven that to be true. Rather, the exact opposite has happened. It has led to less use. And I would just like to state, our state is in crisis right now. We had 418 deaths this past year due to overdose. Within our parks, our beaches, our recreational areas, are dirty needles. Our syringe exchanges are hanging by a financial thread, and we have addicts that are struggling, that are using the syringe exchanges. These are low-barrier entry points for them to seek treatment. Within our state we are having workforce shortages; and, contrary to what people may believe, is that, with the proper treatment, with that low-barrier entry to enter into treatment, people do recover. They stabilize their life and they are able to return to work. This would clean up Maine's landscape and put people back to work, and help restore lives and protect lives. Thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-648)** was **ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-604) and House Amendment "A" (H-648)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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An Act To Ensure Stability for Certain Holders of Liquor Licenses

(H.P. 1205) (L.D. 1725)  
(C. "A" H-585)

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

PENDING - **RECONSIDERATION** (Returned by the Governor without his approval).

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

The **SPEAKER**: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of

the Governor?' All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 527V**

YEA - Ackley, Austin B, Austin S, Babbidge, Bailey, Bates, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, Denno, Devin, Dillingham, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grohman, Guerin, Haggan, Handy, Hanington, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, 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, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Reckitt, Reed, Riley, Rykerson, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Talbot Ross, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Turner, Vachon, Wadsworth, Wallace, Warren, White, Wood, Zeigler, Madam Speaker.

NAY - Alley, Johansen, Prescott, Winsor.

ABSENT - Battle, Beebe-Center, Casas, DeChant, Fay, Grignon, Hamann, Hanley, Herrick, Sherman, Sylvester, Tuell, Ward.

Yes, 134; No, 4; Absent, 13; Excused, 0.

134 having voted in the affirmative and 4 voted in the negative, with 13 being absent, and accordingly the Veto was **NOT SUSTAINED.** Sent for concurrence.

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**REPORTS OF COMMITTEE**

**Refer to the Committee on Energy, Utilities and Technology**

**Pursuant to Statute**

Representative BERRY for the **Joint Standing Committee on Energy, Utilities and Technology** on Bill "An Act To Enhance the Operations of the Telecommunications Relay Services Advisory Council"

(H.P. 1305) (L.D. 1872)

Reporting that it be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY.**

Sent for concurrence.

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**SENATE PAPERS**

Bill "An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19 and To Provide That Employees of School Management and Leadership Centers Are Eligible To Participate in the Maine Public Employees Retirement System"

(S.P. 712) (L.D. 1869)

Bill "An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age"

(S.P. 713) (L.D. 1870)

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

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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**Pursuant to Joint Order  
Task Force To Address the Opioid Crisis in the State**

Report of the **Task Force To Address the Opioid Crisis in the State** pursuant to Joint Order, S.P. 210 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Respectful Language" (EMERGENCY)

(S.P. 714) (L.D. 1871)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** 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 WINSOR of Norway, the House adjourned at 2:05 p.m., until 10:00 a.m., Thursday, March 22, 2018, in honor and lasting tribute to the Honorable Robert Peter Whitmore, of Auburn and Naples, Florida; Dean C. Coniaris, of Kennebunkport; and Rosemary Elaine (Farnham) Begley, of Bucksport.