

ONE HUNDRED TWENTY-NINTH LEGISLATURE
FIRST REGULAR SESSION
44th Legislative Day
Wednesday, May 29, 2019

The Speaker resumed the Chair.

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

Prayer by Subdeacon Stephan Crate, St. Joseph Maronite Catholic Church, Waterville.

National Anthem by Sydney Anderson, Elm Street School, East Machias.

Pledge of Allegiance.

Doctor of the day, Stephanie Joy, M.D., Freeport.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.C. 506)

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

May 28, 2019

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 129th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Energy, Utilities and Technology,

- The Honorable James A. Boyle of Gorham for appointment, to the Efficiency Maine Trust Board;
- The Honorable Joan Welsh of Rockport for appointment, to the Efficiency Maine Trust Board;
- Glenn S. Poole of Orrington for appointment, to the Efficiency Maine Trust Board;
- Suzanne MacDonald of Rockland for appointment, to the Efficiency Maine Trust Board.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 507)

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

May 28, 2019

Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted Report "A" Ought to Pass from the Committee on Judiciary on Bill "An Act To Streamline the Eviction Process" (H.P. 780) (L.D. 1057) in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, To Study Transmission Grid Reliability and Rate Stability in Northern Maine

(H.P. 1275) (L.D. 1796)

Sponsored by Representative STEWART of Presque Isle.

Cosponsored by President JACKSON of Aroostook and Representatives: DeVEAU of Caribou, JOHANSEN of Monticello, MARTIN of Eagle Lake, MARTIN of Sinclair, McCREA of Fort Fairfield, SWALLOW of Houlton, WHITE of Washburn, Senator: CARPENTER of Aroostook.

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent for concurrence.

Bill "An Act To Amend the Advance Deposit Wagering Laws"

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

Sponsored by Representative DILLINGHAM of Oxford.

Cosponsored by Senator LUCHINI of Hancock and Senators: DOW of Lincoln, President JACKSON of Aroostook, LIBBY of Androscoggin, TIMBERLAKE of Androscoggin.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent for concurrence.

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

(H.P. 1274) (L.D. 1792)

Sponsored by Representative MADIGAN of Waterville.

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Amend Licensure for Professional Engineers"

(H.P. 1273) (L.D. 1791)

Sponsored by Representative STETKIS of Canaan.

Submitted by the Department of Professional and Financial Regulation and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** suggested and ordered printed.

REFERRED to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** and ordered printed.
Sent for concurrence.

Bill "An Act To Amend the Law To Protect the Confidentiality of State and Local Government Employees' Private Information"

(H.P. 1272) (L.D. 1790)

Sponsored by Representative McCREIGHT of Harpswell.
Cosponsored by President JACKSON of Aroostook and Representatives: COOPER of Yarmouth, HANINGTON of Lincoln, SCHNECK of Bangor, Senator: CYRWAY of Kennebec.

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

REFERRED to the Committee on **JUDICIARY** and ordered printed.
Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Sebastian Neubauer, of Fairfield, a member of Troop No. 485, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Scouting and is given for excellence in skills development, leadership, personal growth and community service. We extend our congratulations and best wishes;

(HLS 439)

Presented by Representative RUDNICKI of Fairfield.
Cosponsored by Senator CYRWAY of Kennebec.

On **OBJECTION** of Representative RUDNICKI of Fairfield, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **RUDNICKI**: Thank you, Madam Speaker, Men and Women of the House. Sebastian Neubauer is an impressive young man even if you didn't know he was an Eagle Scout. In January, Sebastian completed the necessary credits to graduate from Lawrence High School in Fairfield. In March, he became a United States Marine and headed to Parris Island for bootcamp. After his infantry training, his advanced training will be in chemical, biological, radiological and nuclear warfare. On Friday, he will graduate as United States Marine Private First Class.

Sebastian Neubauer advanced because of being an Eagle Scout. He will then fly home with his family to graduate from Lawrence on June 6th and on June 8th he will have his cord of honor, recognizing his achievement of attaining the high rank and distinction of Eagle Scout which, as the sentiment says, is the highest award in scouting and is given for excellence in skills development, leadership, personal growth and community services. I wish to extend my congratulations and best wishes to Sebastian Neubauer. Thank you, Madam Speaker.

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

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-147)** on Bill "An Act To Require Education about the Holocaust"

(S.P. 310) (L.D. 1050)

Signed:

Senators:

MILLETT of Cumberland
CARSON of Cumberland
POULIOT of Kennebec

Representatives:

DRINKWATER of Milford
FECTEAU of Augusta
RUDNICKI of Fairfield
SAMPSON of Alfred

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-148)** on same Bill.

Signed:

Representatives:

KORNFIELD of Bangor
BRENNAN of Portland
DODGE of Belfast
FARNSWORTH of Portland
INGWERSEN of Arundel
McCREA of Fort Fairfield

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-147)**.

READ.

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

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

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I oppose this Minority Report and this motion just does not go far enough to require the history of genocide and the Holocaust to be taught in our schools. This motion simply just does not go far enough. This will do absolutely nothing and change absolutely nothing.

If we do not know our history, folks, we are doomed to repeat it. Therefore, this issue must be taught in our schools. It's vital. It will not happen, I should say, with this current motion and it's simply wishful thinking. I urge us to be proactive on this issue and so I ask that we vote Ought Not to Pass on this motion and allow the following motion to be brought forward. I thank you.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Fecteau.

Representative **PECTEAU**: Thank you, Madam Speaker. I rise in strong opposition to the pending motion.

Madam Speaker, I hope you have come to see that there are very few things in which I feel government intervention is needed. Well, when it comes to LD 1050, "An Act to Require Education About the History of Genocide", I feel very passionately that there is a report that is worthy of our consideration and passage, and it's not this one.

Firstly, the Minority Report only adds genocide and the Holocaust into consideration as noteworthy material to be added into the performance indicators, which are not required by any means to be taught or adhered to by our schools. We need a bill that makes sure the most important lessons regarding human history are taught to every single Maine student. There is a report that handles this responsibly and this isn't the one.

As positive as the Social Studies C3 standards are, they are content nonspecific. We risk losing important lessons without our responsible actions today. Again, there is a report that responsibly handles this.

Madam Speaker, I'm a German teacher at Maranacook Community High School in Readfield, and at the risk of sounding elitist, I would like to consider myself as one of the most premier Holocaust educators in the State of Maine. Furthermore, our world-renowned Holocaust and Human Rights Center of Maine is in my district. I teach my students about the roaring '20s in Germany after the first world war where Jews, Romas, and homosexuals were finally able to break from the chains of the old world and produce some of the world's most breathtaking art and night culture we have ever seen. Fast-forwarding, I also speak about all the art, music, and literature that was then used against them and how they were openly compared to the mentally retarded in traveling art shows that attracted millions of Germans. Aren't these the lessons Maine kids should be learning about? I teach my students about the early days under Nazi rabbleroising where Jews were mobbed and their shops were ransacked. I teach them about the election of Adolf Hitler, the scum of the earth madman that changed our world forever and how he spewed nonsense and shotty anthropology, euthanasia, eugenics and the watering down of the superior race with Jews, blacks and Mischlings. Aren't these the lessons that Maine kids should be learning about? I teach my students about the lessons of places like the Sobibor death camp and how Thomas Blatt was one of the few survivors of that camp after escaping, even surviving a gunshot to the jaw by an SS officer before dying in 2015. Aren't these the lessons Maine kids should be learning about? I go into deep details of the horrors of post-1941 Nazi Germany where the Holocaust went into ludicrous speed, where Jews were rounded up, branded with stars, stuck into ghettos where they were forced to eat rats and live in disease-ridden communities, and eventually put on trains throughout central Europe where more than 6 million Jews, Romas and homosexuals met their end through either Zyklon B gassing, forced labor, or gunned into mass graves. Aren't these the lessons Maine kids should be learning about?

I take my education on genocide and the Holocaust far beyond the classroom and take my students abroad where we tour the Dachau concentration camp, walk through the gas chambers, walk in the footsteps of famous Jews and infamous Nazi leaders, hear gripping tales of the 1940s and even visit Anne Frank's house in Amsterdam, the little girl who had to hide from the Gestapo like a criminal for two years before she and her family were found, and she eventually died of typhus

at Bergen-Belsen and whose body was tossed into a mass grave. Aren't these the lessons that Maine kids should be learning about?

Madam Speaker, on the near eve of the 75th anniversary of the invasion of Normandy and in a state where we are only blessed with three remaining Holocaust survivors, it seems only fitting that we take a leap and have learning about the genocide and Holocaust join the elite ranks of the required education of American history, Maine history, and Native American history. Some lessons are too important to miss. Now, more than ever, do our children need to be reminded of the horrors of genocide in the Holocaust so they can learn from our mistakes that our parents and grandparents risked everything to put an end to. I am pleading with you and all of my colleagues to ensure our children are leaving high school with the knowledge of the most important, and impactful and hateful human event we have ever or maybe ever will experience. These lessons will be repeated without constant reminders of the horrors of genocide, whether it be in Germany, Poland, Kurdistan, Cambodia, Armenia, Rwanda or right here in the United States. Thank you.

Representative DILLINGHAM of Oxford **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 Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I feel I should speak only as a Social Studies teacher. I want to defend my colleagues as being dedicated professionals who do, indeed, teach the subject. Are we doing it well enough? I'm not sure. But I think every Social Studies teacher wants to include in his or her curriculum as they teach it the human experience. And in our western culture, and in the study of American history and American government and American society, we teach about human rights. We need to teach not just about the genocide that happened but the origins, the reasons that things could escalate to the point of genocide. We need to teach about desensitizing mechanisms, prejudice, shaming, marginalizing, propaganda techniques, identifying them, understanding them, hate speech and, of course, genocide. We need to teach the best and worst of the human experience and learn from those lessons.

I do think the Minority Report does allow us the opportunity to give a directive to the Department of Education which would then communicate with superintendents and curriculum coordinators across the state to direct their Social Studies departments to make sure that these lessons are incorporated. If you really want to help Social Studies professionals, it's give them the time to collaborate with each other, give them professional enrichment where they can learn and use best practices in order to do the wonderful and important task that they achieve. I'll be supporting the motion before us. Thank you, Madam Speaker.

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

Representative **KORNFIELD**: Thank you, Madam Speaker, and with all due respect to my colleague from Augusta, there are many of us even in this chamber who teach and have taught the Holocaust. It's a very important subject to teach. This is not about whether the Holocaust should be taught; it's about the process. It's a very poor educational

decision, a policy decision, for curriculum to be legislated in a piecemeal fashion for teachers.

Since 1900, not one minute has been added to the school day, not one more day has been added to the school year. If you know a teacher, I'm sure you know that they complain most about not being able to do all the things that they have to do. We have been very consistent on the Education Committee in saying you cannot mandate curriculum from here. Make it a resolve, go through the Department of Education, have them intertwine it into the standards, do professional development and ease it into the curriculum. But mandating is not the way to go in a piecemeal fashion for curriculum.

Since 1900, there have been 118 mandates that have been put into law for teachers to teach. Now, think about this; the school day is exactly the same length. It is just becoming very difficult. This is about process. Let the Department of Education deal with this, think about it, intertwine it, do professional development, and put it into the curriculum. It's not for us here in the Legislature to tell teachers what to teach. Thank you.

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

Representative **RUDNICKI**: Thank you, Madam Speaker. I will say the Good Representative from Augusta is a hard act to follow, so I'm really not going to try. What I will say is that Committee Amendment B is the Minority Report and the Majority Report goes a lot further and most of my fellow committee members will --

The SPEAKER: The Representative will defer. The Representative will be reminded that the report in front of us is the Minority Report.

The Chair reminded Representative RUDNICKI of Fairfield to stay as close as possible to the pending question.

The SPEAKER: The Representative may continue.

Representative **RUDNICKI**: So, I will say that this report doesn't go far enough, and I'm probably one of the first ones that will say local control and I'm against mandates, but this is something that's important for us to follow, and I would say that I would respect my fellow colleagues to please vote against this motion and vote for the other motion that would come forward. Thank you.

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

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I rise in opposition to the Minority Report. I'm often confused by a lot of the things we do down here in Augusta, but I'm especially confused today why we would bring forth the Minority Report on this. I urge fellow Members to vote down the Minority Report so that we can accept the Majority Report.

I had a student reach out to me and write me in support of this bill and I would like to read you my response to her.

"Thank you for writing me. Thank you for being involved. I'm glad you are taking an interest in history. It is disturbing to me to see the sad poll numbers of young people who are unaware of the Holocaust. I hope you learn and remember the many lessons history has to offer. There have been many horrible genocides in our human history. The 20th century seemed an especially bad century for genocide. Besides the Holocaust, there was the Armenian genocide by the Turks, there were genocides carried out by communists in Soviet Union, China, Cambodia, Vietnam, and many more places and tribal genocides in Africa, just to name a few. I hope that when you learn about these genocides you take a look at how the

governments were able to carry them out. What form of governance did they happen under? Why didn't the people fight back? Were they armed? Why did the citizens allow it? Was there opposition? Did they have a free press? Was the media controlled heavily or influenced by the government? These are all important things to learn. In addition to the who, the why, and the when, is also the how. Keep up the good work."

I urge the Members to vote down this motion because Holocaust and genocide education is one thing that we should make sure our children learn about. Please vote no on the motion.

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

Representative **RECKITT**: Thank you, Madam Speaker, my colleagues in the House. I rise in opposition to the pending motion. And I do it for four reasons that come immediately to mind.

One is that in 1949, I was a kindergarten student in Cambridge, Massachusetts, and one of my classmates had a sort of peculiar thing on her arm. She had a number. She had been born in Auschwitz and miraculously survived. And so she was, in fact, tattooed with her number from Auschwitz. And it's one of the first memories I have of school was this vision.

Secondly, when I was in college and I went to college at a Jewish university, I think as many of you know, although I myself am not Jewish, and I learned there what persecution is but I also took a course on West African politics, and in my senior year, and I wrote a paper on Rwanda and Burundi. So I was one of the few people in Maine who knew what the basis of that genocide was, when it occurred, and it was terrifying.

Thirdly, I went back to a high school reunion at Watertown High School in Massachusetts where I grew up, and in Watertown there is a huge population of Armenians who came to America as a result of the Armenian genocide. And in that town, there was an Armenian Holocaust museum that I had never known was there. And so after my high school reunion, I spent a day at the Armenian Holocaust museum. It was an extraordinary experience. I urge you to do it.

But, lastly, I have read a lot in the last three years, particularly since my election to the Legislature, and I have listened to quite a number of courses on tape, etcetera, about the genocide that has occurred in this country, and some in this state, against our Native American brothers and sisters. And I am particularly horrified by all the things that I have read and learned. While I agree that this is not the ideal way to institute a curriculum, I think as a fellow legislator said this morning, this is a one-in-a-million mandate worth instituting. I think it is really important, particularly in this current climate, that we instruct the students in our schools that this is not a new phenomena, but it is a phenomena that is just as hateful and just as abhorrent as it has been since it very first began.

So, with some apologies to my friends who I know have put this forward in order to do it in the most appropriate way in their minds, I rise in opposition to the current motion because I feel this is too important to wait even a single millisecond. Thank you, Madam Speaker.

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

Representative **PERRY**: Thank you, Madam Speaker. I speak in support of the pending motion. If we were just talking about one genocide, which this mandates, I think it's too narrow. If we're really going to have education about genocide, we should have it as our history shows.

In the 1800s, it was the policy of this country to wipe out the Native Americans. We are still dealing with the effects of that policy today. We should be teaching the history of genocide, not the history of just one event. So I think that it belongs with the Department of Education to decide what they're going to do and how it should look. Thank you.

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

Representative **COREY**: Thank you, Madam Speaker. I'm speaking opposed to the pending motion.

Based on a 2018 survey conducted by the Conference on Jewish Material Claims Against Germany, two-thirds of millennials don't know what Auschwitz is, 22% of millennials said they haven't heard of the Holocaust. I fear as this time passes these numbers will be way worse. It's our responsibility to keep the memory around. Thank you.

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

Representative **BRENNAN**: Thank you, Madam Speaker, Men and Women of the House. When I first prepared to go to the public hearing on this bill, I thought it was about the Holocaust. But after listening to the presentation, listening to the speakers, it became very clear that the bill was not only about the Holocaust, but about genocide. So it became important for the committee to discuss the best way that we would be able to capture both of those issues, and the best way for those to be presented within classrooms across the state. We didn't believe a mandate was the best way to do it and instead there is a process through the Department of Education where they routinely and regularly look at curriculum; look at learning results across the state. So what this report would do is expedite that process within the Department of Education and determine the best way to integrate these issues within existing curriculum in order to make sure that students have a full understanding of these issues, also to have the most efficient approach, and also to make sure that teachers can benefit and have the best curriculum available.

So I think this is the most prudent approach, this is following an existing process within the Department of Education, and I feel confident after the Department of Education does its review, that we will have a comprehensive curriculum on both the Holocaust and genocide that is available to students across this state.

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

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion because it's a good idea but because it doesn't go far enough. And I don't like mandates, so this is not an easy decision for me to support. It's been said already that if you don't learn history, you're doomed to repeat it, and I'd like to just remind you of what's happening right now. My phone is ringing; excuse me. Sorry, Madam Speaker. I've corrected that issue.

This is a report issued May 3rd by the BBC and the title of it is Christian Persecution at Near-Genocide Levels. So, genocide isn't something that happened yesterday, it's something that's happening today, and if you don't learn about these things, if you don't teach about these things and, in this case, mandate these things, you're doomed not only to repeat them but we're living them right now. And just to illustrate; this is part of the BBC report, I'll read it, it's very short: "Christianity now faces the possibility of being wiped out in parts of the Middle East where it goes back to its roots the furthest. In

Palestine, Christian numbers are below 1.5%. In Syria, the Christian population has declined from 1.7 million people in 2011 to below 450,000. And in Iraq, Christian numbers have slumped from 1.5 million in 2003 to 120,000 today. Christianity is at risk of disappearing, representing a massive setback for polarity in the region." That's just one instance. There are many other issues here. We need to mandate this type of instruction. Thank you, Madam Speaker.

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

Representative **HUTCHINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Whichever one of these we pass today, I'm sure our good teachers will do a good job of speaking about the Holocaust but I think sending them a stronger message rather than a weaker message is the better way to go, so I would speak opposed to the motion on the Floor, and I would tell you a short story about a dear friend of mine who passed away a number of years ago but he was in the D-Day invasion years ago and I had the good fortune of knowing him very well. We worked together the last 17 years of his working career and we worked together doing concrete. And I don't know if many of you know this but when you do concrete, many times concrete doesn't cure the way you want it to and so you sit and wait for it for hours. Well, that happened to us many, many times and out of those hundreds of times, he'd give me a little bit of the story of the D-Day invasion, climbing the banks at Normandy, marching through France in the Battle of the Bulge, and going into Germany, defeating the Germans in Germany, going into the concentration camp and he personally turned off the ovens in one of the camps. It affected him greatly. And it's a story that needs to be told and it needs to be not whitewashed, it needs to be told. And his orders came directly from Eisenhower, who commanded that invasion, of course, and he and the other officers were told as they were shutting down the camp, after it had been shut down, and Eisenhower told him everyone sees this, and by that Eisenhower meant you take everyone in Germany through this camp that is in whatever area the camps were in. And so even if they had to lug people that were paralyzed or if they were children that were too young to walk, they lugged them through the camps. That's how important Eisenhower felt this was. And so it is that important to do it correctly, I think, and the stronger message that we can send, the less chance it will be repeated. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Fort Fairfield, Representative McCrea.

Representative **McCREA**: Thank you, Madam Speaker. I hadn't really intended to speak, and I will make it brief. People have a reluctance to be told what to do. Probably this group of people feel that as strongly as anyone. Everybody in this room knows that this is a very important topic. There's no doubt there, that's not up for debate. If we want this to be done, and done well, with the best far-reaching in-depth effect, it's got to be well thought through. Think for a minute about the people that will be delivering these lessons. Are they going to be more convinced to do this because we, the Legislature, have dictated you shall do this or are they going to be more convinced by a well-thought-out plan; thought out and promoted by the Department of Education with programming and curriculum that is well-vetted and easily used? Some people that will be teaching this, such as the Good Representative from Augusta, will do a great job all on their own. Others need whatever curriculum help they can get and I think the bill before us, this amendment, speaks to that best. I

am totally in support of the vote that is before us. Thank you very much.

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

Representative **SKOLFIELD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. A few years ago, on D-Day, June 6th, I was at a celebration of a birthday of a young man who's a student at Bates College in Lewiston. And there were a number of Bates students there and we were celebrating this young man's birthday, and I said to the group, I said, this is an awesome day for a birthday, I said, do any of you know what happened on this date, June 6, 1944? Now, these were all very good young men, intelligent young men and very good students. Of the group assembled there, which there were half a dozen or more, not a single individual could come up with anything special about June 6, 1944. And I then explained to them what happened and then they began to understand. So I guess I'm saying this because I think we do sometimes need to mandate things because it surprised me that this group of young men, very intelligent young men, did not understand that part of our history and that they did not understand what June 6, 1944 was all about. So, sometimes I think we need to nudge our educators into doing what is right. Thank you, Madam Speaker.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think I'm a bit confused here. This body has passed mandates on vaccines, taxpayer-funded abortions, reusable flatware, and a myriad of other things yet this mandate is horrific. I don't know; I'm just a bit confused about this.

The SPEAKER: The Chair will remind Members for the future that we are speaking about the bill in front of us, not about other bills that we've debated during session. That will be the last time in this body that I will allow that to happen.

The Chair reminded all Members to stay as close as possible to the pending question.

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

Representative **SAMPSON**: Thank you, Madam Speaker. I just want to address some of the points that have been made out here today. So the Minority Report puts the Holocaust in the same category as the history of toys and history of trains. I think we must take this issue to a higher level and the Majority Report addresses all genocide and it also asks the Department of Education to place on their website resources for teachers to be able to use. Too long we've been focusing on ELA and math in our schools and who can argue that, but history has been put on the sideline and it's time that we bring certain history back into focus and I think this is a priority that we need to elevate to a higher level. And, yes, this is our role as legislators. We're saying this needs to go to the top priority and yes, this must be taught. We're not telling them how to teach it and actually there have been 75 years for us to pull together resources on how to teach this. We're asking the schools to implement this, just like we're having them do the Maine studies. They pull together the resources. Native American resources, they're pulling together and they're teaching it; and the African-American. We're saying this is in the same category. This genocide, all genocides, should be taught. We're asking the Department, this is what the Majority Report is saying, ask the Department to have a website with the resources available. And to have this communicated from us that this should be taught, we are

clearly articulating the value and high priority that we place on this and I thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Grohoski.

Representative **GROHOSKI**: Thank you, Madam Speaker. I want to thank everyone for their very serious consideration of this topic because I know that we all agree that this history lesson is important and it's especially important as those people who fought in those wars and the people who are survivors of the Holocaust leave us. It's important that we carry on their stories and this knowledge of what can happen. And I want to thank everyone because I think I've learned a lot about what we value in our education, the process that can happen through the Department of Education, the problems with mandates, and I agree with all of that. But I want to note that the Minority Report states that the Department shall expedite the consideration of the instruction in the history of genocide including the Holocaust. So we're just asking them to try to quickly consider it, but I agree that we're possibly not going far enough because they could expedite their consideration and decide to do nothing and I don't know that that's acceptable for me or for my community.

I want to state that this legislation came out in part due to the work of students and teachers in my community, and through their process, they did a survey of students in Ellsworth High School. They got 302 respondents, which I think any of us who have tried to survey our constituents would agree is a pretty good sample size. They found that 80% had a basic understanding of the Holocaust, 78% could not correctly name one other genocide, not one other one, and there have been many in my lifetime and long before that, as well. Thirty-seven percent could correctly identify the motive behind the Holocaust. And this is in a school where we have a teacher who is actively doing this work, so I think we have a long way to go and I don't want a hundred mandates but if we're going to mandate anything, anything at all, this might be what we want to mandate.

And I want to just share one piece of testimony from an Ellsworth High School student who attended the hearing because I think this really encapsulates how a student can grow and think through an educational process on the topic of genocide: For the first half of the school year I was enrolled in the Holocaust and Genocide elective class that Mrs. Omlor teaches at my school. This class didn't just teach me and my classmates about the Holocaust and historical events, it taught us about different morals, values, prejudice and racism. The subject of the Holocaust provides the basis for examining simple and complex moral issues. One of the biggest takeaways from learning about the Holocaust was how teaching students about the Holocaust can provide them with costly examples of the detrimental effects of bullying and racism. Additionally, discussing such topics helps students develop their own critical thinking about morality and how they can spread tolerance in the world. Every generation should become more tolerant, understanding, and loving of everyone else. We are all human and no one can take that away from us. So while we could focus on the historical points or the relevance, I think what the students who have experienced this sort of education can get is a lot more about being a global citizen, and if we're going to mandate anything, and I love math and I love science, it's what I majored in, I feel that helping students become global citizens could be the very highest priority that we might have in our schools. 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. 143

YEA - Ackley, Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Collings, Craven, Cuddy, Dodge, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Higgins, Hubbell, Ingwersen, Jorgensen, Kornfield, Martin J, Martin R, Mastraccio, Matlack, McCrea, Melaragno, Moonen, O'Neil, Pebworth, Perry A, Perry J, Pierce T, Pluecker, Riseman, Schneck, Sharpe, Sylvester, Talbot Ross, Tipping, Tucker, Warren.

NAY - Alley, Andrews, Arata, Austin B, Austin S, Bailey, Bickford, Blier, Bradstreet, Campbell, Cebra, Cloutier, Cooper, Corey, Costain, Crockett, Curtis, Daughtry, Denk, DeVeau, Dillingham, Dolloff, Doudera, Drinkwater, Faulkingham, Fecteau J, Foster, Gramlich, Griffin, Grohoski, Hall, Handy, Hanington, Hanley, Harnett, Harrington, Head, Hepler, Hickman, Hobbs, Hutchins, Hymanson, Javner, Johansen, Keschl, Kessler, Kinney, Kryzak, Landry, Lockman, Lyford, MadiganC, Marean, Mason, Maxmin, McCreight, McDonald, Meyer, Millett, Morales, Morris, Nadeau, O'Connor, Ordway, Peoples, Perkins, Pickett, Prescott, Reckitt, Reed, Riley, Roberts-Lovell, Rudnicki, Rykerson, Sampson, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Tepler, Terry, Theriault, Tuell, Verow, Wadsworth, White B, White D, Zeigler, Madam Speaker.

ABSENT - Doore, Grignon, Haggan, Martin T, McLean, Paulhus.

Yes, 48; No, 94; Absent, 6; Excused, 2.

48 having voted in the affirmative and 94 voted in the negative, with 6 being absent and 2 excused, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-147)** was **READ** by the Clerk and **ADOPTED**.

Representative HICKMAN of Winthrop **OBJECTED** to suspending the rules in order to give the Bill its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

The same Representative further moved that the Bill be **TABLED** until later in today's session.

Subsequently, Representative HICKMAN of Winthrop **WITHDREW** his motion to **TABLE** until later in today's session.

Subsequently, the same Representative **WITHDREW** his **OBJECTION** to suspending the rules in order to give the Bill its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

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-147)** in concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought Not to Pass** on Bill "An Act To Establish a Minimum Mileage Reimbursement Rate for Traveling Sales Representatives"

(S.P. 274) (L.D. 919)

Signed:

Senators:

BELLOWS of Kennebec
GUERIN of Penobscot

Representatives:

SYLVESTER of Portland
AUSTIN of Gray
BRADSTREET of Vassalboro
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
LOCKMAN of Bradley
MORRIS of Turner

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

Signed:

Representative:

RYKERSON of Kittery

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

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

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-146)** on Resolve, To Conduct a Comprehensive Study of the Compensation System for State Employees

(S.P. 376) (L.D. 1214)

Signed:

Senators:

BELLOWS of Kennebec
LAWRENCE of York

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146)**.
READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-146)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-146)** in concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-132)** on Bill "An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions"

(S.P. 18) (L.D. 54)

Signed:

Senators:

LUCHINI of Hancock
HERBIG of Waldo

Representatives:

SCHNECK of Bangor
ACKLEY of Monmouth
HICKMAN of Winthrop
HUBBELL of Bar Harbor
McCREIGHT of Harpswell

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

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

ANDREWS of Paris
COOPER of Yarmouth
DOLLOFF of Rumford
HANINGTON of Lincoln
STROM of Pittsfield

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-132) AS AMENDED BY SENATE AMENDMENT "A" (S-150)** thereto.

READ.

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

Representative STROM of Pittsfield **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 Pittsfield, Representative Strom.

Representative **STROM**: Thank you, Madam Speaker. I rise in opposition to the pending motion.

This bill is yet another attack on traditionally-funded candidates. There are people who run for office who have a

moral objection to using people's hard-earned tax money to fund their political campaigns and this bill will make it harder for them to follow their conscience. Now, I do truly understand the goal of this legislation; we want to limit the influence of lobbyists. However, the most we can take for a donation is \$400 and if a person is willing to sell their vote for \$400, they don't have the morals for this job. If a person can't take a lobbyist's money and still feel free to vote against that lobbyist's wishes, that person doesn't belong here. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Madam Speaker. This violates the political free expression of a singled-out profession. As such, it is an abridgement of free speech, which violates the First Amendment. I move to Indefinitely Postpone. Thank you.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

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

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

ROLL CALL NO. 144

YEA - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Verow, Wadsworth, White D.

NAY - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cebra, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White B, Zeigler, Madam Speaker.

ABSENT - Doore, Grignon, Haggan, Jorgensen, Martin T, McLean, Paulhus.

Yes, 54; No, 87; Absent, 7; Excused, 2.

54 having voted in the affirmative and 87 voted in the negative, with 7 being absent and 2 excused, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Strom.

Representative **STROM**: Thank you, Madam Speaker, and I apologize for rising a second time but I feel like the Good Representative from Paris has raised a good concern about the legality of this issue and whether it violates free speech, especially after rulings from the United States Supreme Court

on this, and I would make a motion that we move this back to the committee on Veterans and Legal Affairs until we get an opinion from the Attorney General.

The same Representative moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Representative MOONEN of Portland **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **VETERANS AND LEGAL AFFAIRS**.

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 Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: I would like to speak in favor of the motion by the Representative from Pittsfield.

This morning I rose in confusion. Right now I rise in outrage. This bill pits so-called Clean Elections candidates against traditional candidates and removes first speech rights from so-called lobbyists. While we're at it, why don't we remove the name traditional candidates and come up with a worst name like lobbyist candidates. If lobbyists can't donate \$400 to a campaign, then what is it that; isn't that what Clean Elections candidates are campaigning against? All this influence? If you remove that, then what are you campaigning against? Let's vote in favor of the Representative's motion and send this to the Attorney General.

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

ROLL CALL NO. 145

YEA - Andrews, Arata, Austin S, Babbidge, Bickford, Blier, Bradstreet, Campbell, Cardone, Cooper, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Mason, Millett, Morris, Nadeau, O'Connor, Ordway, Perkins, Perry A, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White B, White D.

NAY - Ackley, Alley, Austin B, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Carney, Cebra, Cloutier, Collings, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, O'Neil, Pebworth, Peoples, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Skolfield, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, Zeigler, Madam Speaker.

ABSENT - Doore, Grignon, Haggan, Martin T, McLean, Paulhus.

Yes, 59; No, 83; Absent, 6; Excused, 2.

59 having voted in the affirmative and 83 voted in the negative, with 6 being absent and 2 excused, and accordingly the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **VETERANS AND LEGAL AFFAIRS** **FAILED**.

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

Representative **HUTCHINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. We have before us an issue today about funding campaigns and I fear that what some people are perhaps trying to do with public funding, taxpayer-paid campaigns is to make them so expensive that no one can afford to run against the so-called Clean Election. I don't know what that makes other elections, I suppose it makes them dirty.

The **SPEAKER**: The Representative will defer. The Chair will remind the Representative that the bill before the House is LD 54 regarding the prohibition of political contributions from lobbyists and not Clean Elections.

The Chair reminded Representative **HUTCHINS** of Penobscot to stay as close as possible to the pending question.

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

Representative **HUTCHINS**: Thank you. These donations that those of us that do not do taxpayer-funded campaigns, someone mentioned the total of \$400 contribution that can be had, and I'm certain there's no one in here's vote that can be bought for \$400. But are there people's votes that can be bought here for thousands of dollars that come from one source? I'm not sure. But I'm concerned that we are trying to make these campaigns so expensive that it's difficult for people that run a standard election will be hard to reach. Thank you very much.

The **SPEAKER**: A roll call having been previously 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. 146

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Carney, Cebra, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Peoples, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Skolfield, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Babine, Bickford, Blier, Bradstreet, Campbell, Cardone, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Dunphy, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Hymanson, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Perry A, Pickett, Prescott, Reed, Rudnicki, Sampson, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, Warren, White D.

ABSENT - Doore, Grignon, Haggan, Martin T, McLean, Paulhus.

Yes, 84; No, 58; Absent, 6; Excused, 2.

84 having voted in the affirmative and 58 voted in the negative, with 6 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-132)** was **READ** by the Clerk.

Senate Amendment "A" (S-150) to **Committee Amendment "A" (S-132)** was **READ** by the Clerk.

Representative SCHNECK of Bangor **REQUESTED** a roll call on the motion to **ADOPT Senate Amendment "A" (S-150) to Committee Amendment "A" (S-132)**.

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

Representative STEWART of Presque Isle **REQUESTED** that the Clerk **READ** the Senate Amendment.

The Clerk **READ** the Senate Amendment in its entirety.

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

Representative **SCHNECK**: Thank you, Madam Speaker. The Senate Amendment extends the prohibition to PACs, party committees, and ballot question committees.

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

Representative **MOONEN**: Thank you, Madam Speaker. I'd like to pose a question through the Chair.

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

Representative **MOONEN**: Thank you, Madam Speaker. I'm wondering if anyone on the committee can just explain for myself and everyone else; was this considered in committee? What was the discussion on this? I will confess, I'm not sure what to think about this Floor Amendment. Thank you, Madam Speaker.

The **SPEAKER**: The Representative from Portland, Representative Moonen, has posed a question through the Chair. The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Madam Speaker. I rise to answer the question posed.

We did consider the scope of this bill and this amendment and we did not include this in the Committee Amendment, which is why it was probably introduced in the Senate. So we did not consider this as part of our Committee Amendment.

The **SPEAKER**: A reminder to Members that we may not wonder about the reasons why the other body does something.

The Chair advised all members that it is inappropriate to refer to the potential action of the other body.

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

Representative **DILLINGHAM**: Thank you. I'd also like to pose a clarifying question to any members of the committee.

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

Representative **DILLINGHAM**: Thank you. I apologize for actually not reading the Senate Amendment before now but as the Clerk was reading through it, not only did it seem to talk about a donation from a lobbyist but anyone affiliated with a lobby, and I think my caucus was under the impression that if it was an individual that lived in a member's district and wanted to then make a personal donation that that would be allowed but as I was trying to listen quickly as he was reading through the amendment, it almost seems as though there was an implication that that would no longer be allowed, as well.

The **SPEAKER**: The Representative from Oxford has posed a question through the Chair. The Chair recognizes the Representative from Bangor, Representative Schneck.

Representative **SCHNECK**: Thank you, Madam Speaker. Lobbyists can contribute to any candidate that they can vote for.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of Senate Amendment "A" (S-150) to Committee Amendment "A" (S-132). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 147

YEA - Ackley, Alley, Bailey, Collings, Doudera, Evangelos, Gramlich, Grohoski, Harnett, Hepler, Madigan C, Maxmin, O'Neil, Pluecker, Riseman, Sylvester, Talbot Ross, Tipping, Verow, White D, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin B, Austin S, Babbidge, Babine, Beebe-Center, Berry, Bickford, Blier, Blume, Bradstreet, Brennan, Bryant, Caiazzo, Campbell, Cardone, Carney, Cebra, Cloutier, Cooper, Corey, Costain, Craven, Crockett, Cuddy, Curtis, Daughtry, Denk, DeVeau, Dillingham, Dodge, Dolloff, Drinkwater, Dunphy, Farnsworth, Faulkingham, Fay, Fecteau J, Fecteau R, Foley, Foster, Gattine, Griffin, Hall, Handy, Hanington, Hanley, Harrington, Head, Hickman, Higgins, Hobbs, Hubbell, Hutchins, Hymanson, Ingwersen, Javner, Johansen, Jorgensen, Keschl, Kessler, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Marean, Martin J, Martin R, Mason, Mastraccio, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Moonen, Morales, Morris, Nadeau, O'Connor, Ordway, Pebworth, Peoples, Perkins, Perry A, Perry J, Pickett, Pierce T, Prescott, Reckitt, Reed, Riley, Roberts-Lovell, Rudnicki, Rykerson, Sampson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Tepler, Terry, Theriault, Tucker, Tuell, Wadsworth, Warren, White B.

ABSENT - Doore, Grignon, Haggan, Martin T, McLean, Paulhus.

Yes, 22; No, 120; Absent, 6; Excused, 2.

22 having voted in the affirmative and 120 voted in the negative, with 6 being absent and 2 excused, and accordingly **Senate Amendment "A" (S-150) to Committee Amendment "A" (S-132)** was **NOT ADOPTED**.

Subsequently, **Committee Amendment "A" (S-132)** 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-132)** in **NON-CONCURRENCE** and sent for concurrence.

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

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Allow Certain State Regulators To Lower Fees by Order"

(H.P. 1158) (L.D. 1599)

Signed:

Senators:

SANBORN, H. of Cumberland
GRATWICK of Penobscot

Representatives:

TEPLER of Topsham
BRENNAN of Portland
FOLEY of Biddeford
MASTRACCIO of Sanford

MELARAGNO of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-371)** on same Bill.

Signed:

Senator:

FOLEY of York

Representatives:

BLIER of Buxton

MORRIS of Turner

PRESCOTT of Waterboro

SWALLOW of Houlton

READ.

Representative TEPLER of Topsham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative KESCHL of Belgrade **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 Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. This bill simply authorizes the Superintendent of Insurance, the Superintendent of Consumer Credit Protection, the Superintendent of Financial Institutions, and the Director of the Office of Professional and Occupational Regulation to lower or suspend certain fees specified in law by order. Now, you may ask; why do I want to do this? Well, as many of you know, I'm a current member of the Joint Standing Committee on Appropriations and Financial Affairs. I was also a member of this committee during the 125th and 126th Legislatures. During these years of service, I often pondered why we were sweeping money from accounts -- for money that was paid into accounts by people who were expecting licensing and certification programs to be run by that money and not to be spent by other -- for other activities. This is especially true with many of the programs in the Department of Professional and Financial Regulation.

Now, I've heard from many people who, like me, believe that it's inappropriate for the State to take money that's paid for one purpose and use it for other activities. Many millions of dollars have been taken from various programs out of the Department of Professional and Financial Regulation during the past 25 years or more. Actually, tens of millions. And I believe it's almost \$100 million in the last 25 years. Money that was paid for licensing fees used for other purposes. This must stop. It's inappropriate. Enacting this bill into law will do just that. It will allow superintendents of these four programs, with the largest surplus of funds in their accounts, to lower or suspend certain fees to reduce the amounts of money available to be swept, thus ensuring that the money is used for licensing and certification programs that it was paid for.

I hope you'll agree with me that taking this money for other than intended purposes is wrong and needs to be corrected. Now, the Commissioner of the Department of Financial and Regulation actually testified in support of this bill. She requested that we have this tool as another tool in her toolbox to better manage the amounts of money that were in excess in these accounts. So, with that, I urge you to support

this bill and vote Ought Not to Pass on the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Swallow.

Representative **SWALLOW**: Thank you, Madam Speaker, Members of the House. This bill simply applies to four agencies within the Department of Professional and Financial Regulation. It allows the superintendent or director of those various agencies to just lower the fees as the revenues have built in these dedicated funds. These funds cannot be removed from one agency and transferred to another. Therefore, what's happening is the accounts are being swept and put into the General Fund and since 2007, \$54 million approximately has been taken and swept from these accounts and moved to the General Fund. And I urge you to follow my light. Thank you.

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

Representative **TEPLER**: Thank you, Madam Speaker, Men and Women of the House. With all due respect to the Representative from Belgrade, this bill does not accomplish his intention of preventing the Appropriations Committee from sweeping funds.

Maine's constitutionally-mandated balanced budget is notwithstanding any other law. So the Appropriations Committee may do what it does regardless of our passage of this law. However, what this law does do is create a situation in which the commissioner and the superintendents of the Department of Professional and Financial Regulation have a tool that only works in one direction; down. It does not work in an up direction. They must go through the standard process that they go through now to raise fees. If an economic downturn or other problematic situation were to happen, this makes it easier to lower fees but it does not make it easier to raise them, which could create a difficult situation within the departments. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Yes, thank you, Madam Speaker, and I apologize for rising for a second time. This bill does exactly what it's intended to do. It allows for the various regulators in the Department of Professional and Financial Regulation to monitor their accounts, which they've done very well over the years, and then lower the fees so that they'll have sufficient funds to carry out those programs that licensees, people, plumbers, whoever pays for certification and licensing fees, to have those monies used expressly for the intent that they were paid for. Yes, the Constitution allows for the notwithstanding approach that the Appropriations Committee often uses on many accounts. However, this bill would - and the Commissioner agrees that this bill would give her that tool that would allow her to manage better the funds in those accounts. So, again, I urge you to vote not pass on the pending motion.

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

Representative **STETKIS**: Thank you, Madam Speaker. I'm just trying to look at this from a slightly different angle. As most of us know, moving more people into the workforce, especially into the trades, the licensed trades, is a very high priority on our agenda this session, such a high priority that the Speaker and the President of the other body created a special committee just for this. And in the IDEA Committee we have talked about licensing quite a bit, the cost of folks being able to get involved in a particular occupation in the trades. In fact,

recently we've talked about a bill, the taxpayers will actually loan the money to certain individuals from out of the country because we want to attract them here to work because they don't have enough money to pay the fees. This bill will simply allow the department to reduce the fees to a level where they're still receiving the necessary amount of funds to do what they're supposed to do but to make it much easier for folks to enter into the workplace into these occupations. The particular commissioner I believe the Representative from Belgrade was speaking of, she has served in several different administrations now, I believe she is more than able and more than experienced enough to reduce only the fees that are deemed necessary. So I think we could look at this from an economic development standpoint, as well.

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. 148

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin R, Mastraccio, Matlack, Maxmin, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Babine, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Head, Higgins, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Martin J, Mason, Millett, Morris, O'Connor, O'Neil, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Verow, Wadsworth, White D.

ABSENT - DeVeau, Doore, Grignon, Haggan, Martin T, McLean, Paulhus.

Yes, 83; No, 58; Absent, 7; Excused, 2.

83 having voted in the affirmative and 58 voted in the negative, with 7 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass** on Bill "An Act To Simplify Municipal Collective Bargaining by Removing the 120-Day Notice Required Prior to Certain Negotiations"

(H.P. 898) (L.D. 1237)

Signed:

Senators:

BELLOWS of Kennebec
LAWRENCE of York

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport

DUNPHY of Old Town
PEOPLES of Westbrook
RYKERSON of Kittery

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

READ.

Representative SYLVESTER of Portland moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative BRADSTREET of Vassalboro **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

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

Representative **BRADSTREET**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. When I spoke with several people who serve on or have served on the local schoolboards, they reiterated to me how important this 120-day notice is to them. They need this time to properly prepare for contract negotiations and the proposed elimination of the 120-day notice could severely undermine their opportunities to make these preparations. One hundred and twenty-day notice is not a very high bar to hurdle and it really needs to remain. I urge all of you to vote no on this matter. The current law is altogether reasonable and should remain. Thank you, Madam Speaker.

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

Representative **RUDNICKI**: Thank you, Madam Speaker. As a long-time schoolboard member who has been on the negotiation team for many years, I oppose this bill. I believe 120-day notice of intent to bargain over wages and other issues provides time for the schoolboards to make adjustments to proposed budgets, should negotiations affect accounts. Wages and benefits are major cost drivers in any school budget. When schoolboards have five unions to bargain with, like mine, we are negotiating with someone every year. This notification is how schoolboards can be aware of the intent to bargain and abide by its responsibilities to develop and monitor the district's budgets in the best interests of the students, staff, and taxpayers. Remember, schoolboards are made up of volunteers and need the time to work negotiations. Please vote no on the pending motion. Thank you.

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

Representative **SYLVESTER**: Thank you, Madam Speaker. The 120-day notice is one of those vagaries of labor law that people wonder why is it there, it seems utterly reasonable that people should give 120 days' notice. But this deals only with the financial aspects of the negotiations and in most contract negotiations people assume that the financial matters will be discussed as part of the notification. It's not as if most cities, most municipalities are wondering whether the

teachers will bargain over wages or health insurance or those other pieces and within the contracts that are negotiated, each of those contracts already has a number of days of notice that are given for renewal of the contract and your intent to bargain. So it could be 60 days, it could be 120 days if both parties decided 120 days were needed, it could be 180 days if both parties. But that is already negotiated within the contract itself, notice is already given, and so this extra 120 days comes into play when a school unit or some other reorganizes into a different entity or merges with another district and becomes a new entity on the fiscal year, there's no way for the union to give notice of something that hasn't happened yet. And so that's why this 120-day notice, it's important that it goes away since notice is already given of intent to bargain within the contract itself and that date is determined between both parties. Thank you, Madam Speaker.

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

ROLL CALL NO. 149

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Peoples, Perry A, Perry J, Pierce T, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Head, Higgins, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Landry, Lockman, Lyford, Marean, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Pluecker, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - DeVeau, Doore, Grignon, Haggan, Martin T, McLean, Paulhus.

Yes, 85; No, 56; Absent, 7; Excused, 2.

85 having voted in the affirmative and 56 voted in the negative, with 7 being absent and 2 excused, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

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

CONSENT CALENDAR

First Day

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

(S.P. 117) (L.D. 439) Resolve, Directing the Commissioner of Health and Human Services To Convene a Task Force To Study the Need for Long-term Acute Care Hospital Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-145)**

(S.P. 163) (L.D. 498) Resolve, Regarding Reimbursement of Physical Medicine and Rehabilitation Codes under MaineCare Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-144)**

(S.P. 214) (L.D. 701) Bill "An Act To Modernize the National School Lunch Program and the School Breakfast Program" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-139)**

(S.P. 485) (L.D. 1548) Resolve, To Promote Quality and Transparency in the Provision of Services by Assisted Housing Programs That Provide Memory Care Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-142)**

(H.P. 716) (L.D. 961) Bill "An Act To Create a Research Fund for Maine's Clam Fishery" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-376)**

(H.P. 844) (L.D. 1155) Bill "An Act To Protect Patients and the Prudent Layperson Standard" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-372)**

(H.P. 1087) (L.D. 1485) Bill "An Act To Create an At-risk Persons Program in Maine" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-373)**

(H.P. 1141) (L.D. 1579) Bill "An Act To Allow Municipalities To Stock Ponds in Their Areas with Fish" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-375)**

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 as Amended** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Ensure Access to Medical Cannabis for Visiting Qualifying Patients

(H.P. 395) (L.D. 538)
(C. "A" H-347)

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

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

Emergency Measure

Resolve, To Advance College Affordability by Convening a Task Force To Recommend a Sustainable Funding Model for Maintaining Maine's Public Higher Education Infrastructure (H.P. 925) (L.D. 1283)

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. 117 voted in favor of the same and 8 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Increase Funding for Civil Legal Services (H.P. 177) (L.D. 214) (C. "A" H-316)

An Act To Provide MaineCare Coverage for Dental Services to Adults with Intellectual Disabilities or Autism Spectrum Disorder, Brain Injuries and Other Related Conditions (H.P. 282) (L.D. 373) (C. "A" H-353)

An Act To Restore System Administration Allocations in Maine School Administrative Units to the Level Prescribed for Fiscal Year 2017-18 (H.P. 321) (L.D. 412) (C. "A" H-310)

An Act To Extend from 6 Months to One Year the Notice Period Required under the Maine Tort Claims Act (S.P. 157) (L.D. 492) (C. "A" S-135)

An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act (H.P. 818) (L.D. 1129) (C. "A" H-346)

An Act To Require That Hospital Liens Be Satisfied on a Just and Equitable Basis (H.P. 822) (L.D. 1133)

An Act To Apply the Same Auditing Standards to All Legislative Candidates (H.P. 861) (L.D. 1187) (C. "A" H-313)

An Act To Increase Property Tax Relief for Veterans (S.P. 368) (L.D. 1194) (C. "A" S-136)

An Act To Exempt Certain Print Publications from Sales Tax (H.P. 899) (L.D. 1238) (C. "A" H-330)

An Act To Support Medically Monitored Crisis Support and Intervention (H.P. 950) (L.D. 1315) (C. "A" H-351)

An Act To Facilitate the Deployment of Small Wireless Facilities in Maine (H.P. 1110) (L.D. 1517) (C. "A" H-363)

An Act To Assist Nursing Homes in the Management of Facility Beds (H.P. 1139) (L.D. 1577) (C. "A" H-350)

An Act To Eliminate the Scallop Drag Size Limitation in Blue Hill Bay (H.P. 1234) (L.D. 1732)

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

Resolves

Resolve, To Establish the Cumberland County Jail Substance Use Disorder Rehabilitation Pilot Project (H.P. 47) (L.D. 46) (C. "A" H-354)

Resolve, To Review the Implementation of the Maine Background Check Center Act (H.P. 689) (L.D. 934) (C. "A" H-348)

Resolve, To Develop Plans To Return to the State Children Housed in Residential Treatment Systems outside of the State (H.P. 739) (L.D. 984) (C. "A" H-352)

Resolve, Requiring the Department of Health and Human Services To Develop More Comprehensible MaineCare Benefit Letters (H.P. 889) (L.D. 1228) (C. "A" H-367)

Resolve, To Increase Access to Housing-related Support Services (H.P. 953) (L.D. 1318) (C. "A" H-349)

Resolve, To Determine Ways To Increase the Number of Recipients under the Tuition Waiver Program for Participants in Foster Care (S.P. 500) (L.D. 1566) (C. "A" S-138)

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

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

UNFINISHED BUSINESS

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Alternative Signatures Made by Persons with Disabilities (H.P. 1049) (L.D. 1437) (C. "A" H-163)

TABLED - May 8, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **FINAL PASSAGE**. (Roll Call Ordered)

Subsequently, Representative MOONEN of Portland **WITHDREW** his **REQUEST** for a roll call.

On motion of Representative WHITE of Waterville, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-163)**.

Representative WHITE of Waterville **PRESENTED House Amendment "A" (H-344)** which was **READ** by the Clerk

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

Representative **WHITE**: Thank you, Madam Speaker. Madam Speaker and Fellow Members of the House, I am pleased to present this Constitutional Resolution.

In my conversations with the Secretary of State, this legislation represents a united front in our shared desire to fully integrate the participation of all citizens in the mechanics of our democracy. There were some concerns with the original bill which have been addressed by the amendment. This amendment clarifies that this bill is specific to people with physical disabilities.

As a first-term legislator, I have already learned a great deal about the work you and your predecessors have done to structure some of the best election laws of any state in the country, and I only want to do what I can to further that. This legislation addresses a constitutional contradiction which prevents people with some disabilities from participating in the process of petitioning their government, as the Constitution requires that signatures for initiatives and peoples' vetoes must be original signatures made by the voters themselves. This is an obvious problem for people who, for example, are quadriplegic or have Parkinson's or have no hands at all. This proposal would give the Legislature room to make allowance for alternatives to original signatures on citizen initiatives and peoples' vetoes such as proxies and self-inking stampers, for example, as are allowed for in other sections of the law. This amendment would not be prescriptive but would leave it to the Legislature to amend the law and for the Legislature to direct the Secretary of State to address the issue through rulemaking.

I'm proud to stand up for my fellow Mainers so that all of them can participate in our democracy. Please follow my light. Thank you.

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

Representative **DILLINGHAM**: Thank you. I apologize for not standing sooner when we talked about dispersing the reading of the amendment but if the Clerk could read the amendment for Members of the House, I'd appreciate that.

Representative **DILLINGHAM** of Oxford **REQUESTED** that the Clerk **READ** the House Amendment.

The Clerk **READ** the House Amendment in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Madam Speaker. I wanted to rise in support of the pending motion. Originally, I voted against this bill because I was concerned that some people might take advantage of those people who have mental disabilities and handicaps. So I was concerned about that. This amendment apparently, as I read it, takes that into consideration and I think the word physical disability certainly reduces my concern about the bill. Thank you.

Subsequently, **House Amendment "A" (H-344)** was **ADOPTED**.

The Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-633)** and

House Amendment "A" (H-344) in **NON-CONCURRENCE** and sent for concurrence.

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

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOW THE IMPORTATION OF AFFORDABLE AND SAFE PRESCRIPTION DRUGS

(H.P. 1184)

- In House, **READ** and **ADOPTED** on April 30, 2019.

- In Senate, **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

TABLED - May 23, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **FURTHER CONSIDERATION**.

On motion of Representative BERRY of Bowdoinham the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "A" (H-364)** which was **READ** by the Clerk.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, this amendment before us is the unanimous and excellent work of the HCIFS committee on a Joint Resolution that we previously passed. They made some minor amendments which I think makes the overall product a great deal better and will help us to speak with one united voice urging the federal government to do its part to lower the cost of prescription drugs for people of the State of Maine and others in the United States, as well. Thank you.

Subsequently, **House Amendment "A" (H-364)** was **ADOPTED**.

Subsequently, the Joint Resolution was **ADOPTED as amended by House Amendment "A" (H-364)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-329)** - Minority (4) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Increase Funding for Multimodal Transportation" (H.P. 613) (L.D. 839)

TABLED - May 23, 2019 (Till Later Today) by Representative TIPPING of Orono.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Cloutier.

Representative **CLOUTIER**: Thank you, Madam Speaker. Madam Speaker and Honorable Women and Men of the House, I rise today in support of the pending motion.

According to the Maine Department of Transportation's Strategic Transit Plan 2025, for some time the assumption prevailed that if adequate streets, roads, and highways were constructed and maintained, then satisfactory levels of mobility for residents automatically would be achieved. Even with

adequate roads and bridges, elderly persons, persons without cars, low income, young people, and disabled persons still have a mobility problem and often cannot access healthcare, jobs, or other activities. A reliable public transit system is essential to these populations and not only requires a reliable source of funding, but also a consistent commitment on behalf of the State.

Currently, Maine is in the lowest quartile of states providing state funding for public transit and during the most recent reporting period for which data is available for all states, provided only 40 cents per capita compared to a seven-state peer group weighted average of \$2.82. We must do better. Increased funding provided by the multimodal fund through the auto rental sales tax is essential to improving access to Maine business, healthcare facilities, community services, and resources, growing and enhancing the lives of our most vulnerable populations and making Maine an even better place to live, work, and raise a family. I ask my fellow Members of this body to join me in support of the pending motion. Thank you.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, 65-70% of all car rentals are to Maine residents. This is a 20% increase and makes Maine one of the top three in the nation. I was one of those 70% that needed to rent a car in February when my car broke down. For a week, I had to decide what I was going to buy for a new car. I paid the 10% tax.

Portland Jetport testified to us that they're concerned about the cross-border rentals and an increase in air traffic to Manchester, which could result in a significant loss of air travel to the jetport. Please follow my light and vote against this \$2 million tax increase.

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

Representative **ARATA**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The Maine tax on rental cars is already higher than the tax on hotels or on liquor. This proposed 20% tax increase will not just harm out-of-staters but also regular Mainers. In testimony, the industry stated that 70% of all rentals are for temporary replacement of personal vehicles often because they need repairs. Therefore, this tax increase would be an added burden on Maine people who are already facing a financial hardship. This tax increase on rental vehicles will harm the Maine people who are our constituents, and it will make Maine less competitive as a vacation destination, and I urge you to vote against this tax increase. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Peoples.

Representative **PEOPLES**: Thank you, Madam Speaker. I rise with some difficulty to address the Speaker and the House, my colleagues in the House.

As some of you probably recall, I spent eight years on the Transportation Committee, and I just want to bring to everybody's recollection the fact that there is no money for transit or anything other than roads and bridges that comes out of the fuel tax, which is the huge proportion of the budget that we have for transportation. This is the only way we have any resources at all to encourage transit, whether that's busses, whether it's our airports, which I find interesting that the airport manager would make that comment, the ferries. This is an important piece of our transportation financing.

Now, people hate to see me coming because they go oh, my God, here she comes, she's going to speak transportation at us again. We need this money. It's important. So, if you think people are going to go to Manchester to avoid paying this small piece of tax, nobody looks at the tax. And as far as people who are having their cars repaired, the insurance company pays for most of that, by and large. So, that's really a non-argument. So please follow my light and vote to supply some resources to our transit providers. Thank you.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this.

A few weeks ago I was hit by a Good Humor ice cream truck; I didn't find it very funny. And my car was in the shop for almost three weeks and that additional tax would matter. Although the insurance company did pay that, when insurance companies have to pay out, what happens is we all pay; it increases the cost of the goods and services to us. So I understand that it's important that we take care of our roads and bridges but I also understand that it's important that we keep business in this state and don't drive business across the borders, of which I do live right next door to. Thank you, Madam Speaker.

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

Representative **FARNSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm really torn on this one because the Portland Jetport is in my district and I've been talking to the director about this very issue. So, but at the same time, I'm also very much an advocate for improved public transportation. We need to figure out ways in which we can improve that in order to cut down on the enormous wear and tear on our roads, number one, also the increased traffic that is occurring in the Greater Portland area. I have in my work history, have worked in the Philadelphia area and while we have not achieved those levels of traffic and logjams, nonetheless, we don't want to get there. That's all there is to it. So we have to do something about public transit.

I did communicate with Mr. Bradbury yesterday in regards to the increase in the tax and he said well, the original proposal was for a 15% tax, this is better than that and probably will not have that much of an impact. So, I'm going to vote with the proposal in order to make sure that we can begin to take some serious steps toward improving public transportation in the State of Maine. Thank you.

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

Representative **SHEATS**: Thank you, Madam Speaker. And my notes just disappeared. I'm standing as a member of the Transportation Committee to acknowledge that we do need to increase our funding for public transportation. We currently spend \$1 per person per capita on public transportation here in this state, compared to the average of \$45 for most states, including our nearest states, Vermont and New Hampshire, which spend much more than we do. I have learned as much about the need for public transportation when I was over the summer spending time at seminars on seemingly unrelated events or unrelated issues. I learned that if people cannot get to the services that we provide through all of our other programs and all of our other committees here in Maine, it's meaningless. If veterans cannot get to their Hire-A-Vet programs, if they cannot get to the job interview, all of our work with Hire-A-Vet is meaningless. If parents can't get to training

and classes that we offer through our Child Protective Services, it's meaningless if they can't get there. If seniors cannot get to the many programs that we offer to make their lives better, they are meaningless. We need public transportation. It is not just for the poor and not just for the low income, not just for the elderly, not just for those with disabilities, but we also see it as an economic driver because people cannot get to their jobs if they do not have good public transportation. And as my colleague from Westbrook pointed out, we cannot use our highway funds to fund public transportation, it must come from the multimodal fund and this is our major source.

So I highly recommend that we increase our funding for the multimodal fund and support for Maine people this most basic need. One other thing, because I don't have my notes, is that the leading waste in medical costs right now according to hospitals is missed appointments. And when they've done some research on why people missed their appointments, it wasn't they miraculously got sick or their kid's leg got better on its own, it was they could not get the public transportation to get to their appointment; their friend bailed, their car broke down, whatever. This is also a basic need for medical care. We need to do a better job. Thank you.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, just a couple of points of clarification. One is with regard to missed appointments at doctors and hospitals. I sit on the committee at Central Maine Healthcare and we do believe that there may be a problem with missed appointments that might have to do with transportation but looking at the data, we could not isolate that down to transportation. So, I stand in opposition to that comment and also the comment about if your car breaks down the insurance company will pay for it, it doesn't pay when your car breaks down, trust me. My car broke down, I faced a \$3,000 bill if I wanted to have it fixed or I could rent a car for a week, pay the tax, and buy a new car. Thank you, Madam Speaker.

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

ROLL CALL NO. 150

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Peoples, Perry A, Perry J, Pierce T, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Skolfield, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Evangelos, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Head, Higgins, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Mason, Maxmin, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Pluecker, Prescott, Reed, Rudnicki, Sampson, Stanley, Stearns, Stetkis, Stewart,

Stover, Strom, Swallow, Theriault, Tuell, Verow, Wadsworth, White B, White D.

ABSENT - DeVeau, Doore, Grignon, Haggan, Martin T, McLean, Paulhus.

Yes, 81; No, 60; Absent, 7; Excused, 2.

81 having voted in the affirmative and 60 voted in the negative, with 7 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-329)** 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-329)** and sent for concurrence.

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

SENATE DIVIDED REPORT - Majority (11) **Ought to Pass** - Minority (1) **Ought Not to Pass** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable System Operators"

(S.P. 426) (L.D. 1371)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

TABLED - May 28, 2019 (Till Later Today) by Representative BERRY of Bowdoinham.

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

Subsequently, the Majority **OUGHT TO PASS** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

SENATE DIVIDED REPORT - Report "A" (9) **Ought to Pass** - Report "B" (1) **Ought to Pass as Amended by Committee Amendment "A" (S-133)** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (S-134)** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Protect the Privacy of Online Customer Information"

(S.P. 275) (L.D. 946)

- In Senate, Report "A" **Ought to Pass READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

TABLED - May 28, 2019 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - Motion of same Representative to **ACCEPT** Report "A" **OUGHT TO PASS**.

Representative HANLEY of Pittston **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass**.

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

The **SPEAKER**: The Chair recognizes the Representative from Pittston.

Representative **HANLEY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'll be brief, we've spoken on this before, but this is an internet privacy bill that only goes 5% of the way instead of 100%. So this is a feel-good piece of legislation and I ask you not to support it and to wait for another time when it's fixed correctly. Thank you, Madam Speaker.

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

Representative **ACKLEY**: Thank you, Madam Speaker, Friends of the House. I rise to support the motion in front of us.

I agree with the last speaker that this is not a perfect bill but I also know in my heart that when people send us to the House of Representatives and we have to go home and explain why we could not take a step forward and make some progress on what is a most important issue for modern times, protecting the privacy of the citizens of Maine. It's not a conversation that I want to have. I'll be supporting the motion and understanding that we will continue this conversation on the rest of the privacy issues that this bill does not address. Thank you, Madam Speaker.

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand in opposition to this motion.

As was previously stated, this bill does not address the entire problem of securing internet privacy for our constituents. I am very concerned that because it only provides protection in regards to internet service providers, which is just the link to the internet, it does not address the issues of all of the apps and programs that are out there that people gain access to and I am concerned that those who are as poorly educated, if you will, on the internet as I am, may feel that they are protected when they go through the process with their internet service provider when they are not, when they are actually out there using the internet for the many applications that are available that they use every day. Therefore, I believe it is important that we do not pass this legislation and that we continue to seek further opportunities to secure the privacy, the folks' data that they have requested all of us to look at, I'm sure, through emails and in discussion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Jay, Representative Riley.

Representative **RILEY**: Thank you, Madam Speaker. I rise in support of the motion.

The bill went as far as we could get it to go. We did get a letter from the Attorney General in support of the bill. He says he will defend it vigorously. We can't touch the edge providers like Google and Facebook. When you sign up with an internet service provider, you give them all kinds of personal information and they can watch everywhere you go, they can see your email content, it's pretty invasive. We found out during the testimony on this that there were actual cases of ISPs giving real-time information to bounty hunters with the customers not knowing that that was something that they could even do. So there is definitely a lot of privacy there to be protected and just because we can't go after Google and Facebook because that's interstate commerce, doesn't mean that we should just sit back and do nothing. You pay for your internet service provider with your bank account, you give them a credit card and they give you service every month. Google

and Facebook you pay for with your privacy. You shouldn't also pay your internet service provider with your privacy; they're getting quite enough out of your bank account. Thank you.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I was hoping that an amendment was going to be added to this bill, however I haven't heard it yet. But, what one of my number one concerns having been a victim of domestic violence in the distant past was Section 4, page 2, lines 33 through 35 which allows access to a customer's geolocation information in several instances including the customer's legal guardian or a member of the customer's immediate family in the emergency situation that involves the risk of death or serious physical harm. The exception would allow domestic abusers to obtain a spouse's geolocation by asserting that their spouse was in danger. That was my number one concern on this bill and I hope that it eventually gets corrected, if passed.

My other great concern about this was that it violates our First Amendment by limiting internet service provider's ability to communicate with consumers through a sweeping opt-in restriction. LD 946 would burden ISP's speech in a significant way, however by limiting these restrictions to ISPs and not applying them to other entities within the internet ecosystem, LD 946 would likely violate the First Amendment. This likelihood is underscored by the fact that the vast majority of FTC data privacy enforcement actions are not related to ISPs and the reality that most public attention on data privacy focuses on entities whose primary business is the collection of personal information, not ISPs.

As a leading constitutional law scholar, Laurence Tribe has written singling out broadband ISPs for extremely burdensome regulation while ignoring the fact that much of the same information is available to and routinely used by social media companies, web browsers, search engines, data brokers, and other digital platforms shows that the regulations are not tailored to any important government interest such as regime control cannot survive the intermediate scrutiny that generally applies to commercial speech restrictions. LD 946, however, could be subject to even more stringent constitutional review because by focusing on ISPs and ISPs alone, LD 946 creates a speaker-specific set of burdens on the content of speech that raises separate concerns on speech restrictions because it would regulate the use, disclosure, and sale of a specific type of information, namely customer personal information. And, so, saying that I have great fear that our Attorney General will litigate this and it has been litigated in the past and I really don't want to see precious dollars spent in litigating this legislation. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Ellsworth, Representative Grohoski.

Representative **GROHOSKI**: Thank you, Madam Speaker and Fellow House Members. Hopefully I won't be too redundant with some of my comments but I did want to share a broader picture from what I learned in my committee work on the Energy, Utilities, and Technology Committee.

So, more broadly, when your internet service provider, known as an ISP, is unregulated, they can know you better than you actually know yourself. And that is because your ISP provides your connection to the internet and I think as I see everyone here is on a device or a computer, essentially, your information is passing through that connection and they are able to track that and put it in a database. So your ISP can

currently sell all of the detailed sensitive information that they are collecting about you to other companies or to the government, which may be used in ways that we cannot fully comprehend right now. Indeed, as artificial intelligence systems become more complex, enabling new forms of surveillance tracking and data analytics, the stakes for establishing internet consumer privacy could not be higher than they are at this moment and that they will be at every moment after this moment in time.

Personal information protected by this bill includes your Social Security Number, your web browsing history, your app usage history, your geolocation, financial and health information, and your communication content. This information can currently be collected by ISPs and sold to the highest bidder with the result of altering individual lives, manipulating public discourse, and even populating FBI databases. If we do not act to protect internet consumer privacy, people in Maine will not be able to use the internet without subjecting themselves to increasingly dangerous levels of unregulated corporate and government surveillance.

Now, we heard in our committee from the ISPs, that this legislation is not really needed because they are not selling our data. As the Representative from Jay pointed out earlier this year, AT&T, T-Mobile, and Sprint were caught selling real-time location data of customers that landed in the hands of bounty hunters without that customer's permission or knowledge. But, let's just say hypothetically that ISPs are not selling our data, then this bill will not affect their current business practices and it is just really an insurance policy for the people of Maine. Contrary to what you have heard, there is no federal preemption violation. There is no commercial speech First Amendment problem. LD 946 passes that constitutional test because it furthers the state's substantial interest in protecting Maine consumer's privacy and the bill is not more expansive than is necessary. In fact, Maine's Attorney General supports LD 946 because he believes it is legally defensible, stating, quote, the State has significant interest in protecting Maine consumers from practices that may compromise their personal data or which place their financial wellbeing at risk, end-quote. Some also have said this bill doesn't go far enough because it doesn't regulate edge providers like Google and Facebook, and I agree that would be great to do if we could. This bill indeed does focus on internet service providers doing business in Maine because that is who we, as Maine policymakers can regulate. We cannot regulate interstate commerce. Additionally, you can choose not to use Google, Facebook, or other edge providers, as many choose not to, but in most places in Maine you cannot choose your ISP because there is only one provider. I would argue that these days it's not exactly an option to participate in our economy and social activities totally independent of the internet. People pay for Google and Facebook with their privacy, people pay for the internet with their money. The ISPs that oppose LD 946 want to be able to sell your consumer data to make a greater profit on top of what you are already paying them for their internet service.

Consumer consent and control over sensitive personal information is critical and in the absence of federal action we in this body have a responsibility to act and to act as far as we can act legally. That is why there is bipartisan support for LD 946. This bill does not solve every problem but it is an important first step. Please join me in protecting the privacy of Mainers by voting yes on this motion.

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

Representative **RYKERSON**: Thank you, Madam Speaker, Men and Women of the House. When I get on the internet, I need an internet service provider. I do not need Facebook, I do not need Instagram, I do not need any of those guys. So, this is a service I'm paying for, this is a service that they don't need to know where I am at every minute of the day. So, I think government has the right to limit their intrusion into my privacy. As a matter of fact, I think government has the duty to do that. We need to limit intrusions into our privacy for a service that we pay for. I just want to know when we are going to stop covering from these large multinational corporations that threaten us with a lawsuit.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House, I simply want to add that this bill may be imperfect but that if we try to address all of every problem, we may never address even part of any problem. If we pass this measure today, Maine will have arguably the best laws in the nation regarding privacy. Mainers value their privacy, Americans value our privacy. We live in an age of surveillance and we owe it to our constituents to do all we can to ensure their protection. Thank you, Madam Speaker.

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

ROLL CALL NO. 151

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Campbell, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Faulkingham, Fay, Fecteau J, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Harrington, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Kryzak, Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Cebra, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Foster, Griffin, Hall, Hanington, Hanley, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Lockman, Lyford, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Stetkis, Stewart, Strom, Swallow, Tuell, Wadsworth, White B, White D.

ABSENT - Doore, Grignon, Haggan, Martin T, McLean, Paulhus, Theriault.

Yes, 96; No, 45; Absent, 7; Excused, 2.

96 having voted in the affirmative and 45 voted in the negative, with 7 being absent and 2 excused, and accordingly Report "A" Ought to Pass was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative BERRY of Bowdoinham **PRESENTED House Amendment "B" (H-387)** which was **READ** by the Clerk.

The SPEAKER: The Representative may proceed.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, this amendment before us does three things. It clarifies some language to clear up the concern addressed to us earlier by the Representative from Berwick, it addresses some conformity with federal law and just technical referencing to federal law and it also extends the timeline required for implementation to July 1, 2020. Thank you.

Subsequently, **House Amendment "B" (H-387)** was **ADOPTED**.

Subsequently, under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-387)** in **NON-CONCURRENCE**.

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

The SPEAKER: The Chair recognizes the Representative from Beals, Representative Alley.

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

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

Representative **ALLEY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House, in reference to Roll Call 142 on LD 1313, had I been present, I would've voted no. Thank you.

On motion of Representative FAULKINGHAM of Winter Harbor, the House adjourned at 1:36 p.m., until 10:00 a.m., Thursday, May 30, 2019.

SENATE PAPERS

Bill "An Act To Clarify Requirements for Assisted Living Programs Regarding Fire Safety Inspections"

(S.P. 608) (L.D. 1795)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Restore the Authority of the Board of Environmental Protection"

(S.P. 605) (L.D. 1789)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

Bill "An Act To Update the Laws Governing Personal Vehicle Rental Coverage"

(S.P. 606) (L.D. 1793)

Came from the Senate, **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act To Amend the Service Fee for Child Support Services"

(S.P. 607) (L.D. 1794)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

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