

ONE HUNDRED TWENTY-NINTH LEGISLATURE
FIRST REGULAR SESSION
35th Legislative Day
Thursday, May 2, 2019

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

Prayer by Pastor John Walsh, Clifton United Baptist Church.

National Anthem by Olive Beeton, Bath Middle School.

Pledge of Allegiance.

The Journal of Tuesday, April 30, 2019 was read and approved.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 543)

**JOINT RESOLUTION RECOGNIZING APRIL 2019 AS
FOSTERING FINANCIAL EDUCATION MONTH**

WHEREAS, financial education is essential to ensuring that students, young adults and families are prepared to effectively budget, manage, save and invest money; and

WHEREAS, the Maine Jump\$tart Coalition for Personal Financial Literacy is celebrating 10 years of supporting Maine educators through the Fostering Financial Education in Maine Schools Conference, Maine's premiere financial education training designed specifically for Maine teachers; and

WHEREAS, the Maine Jump\$tart Coalition for Personal Financial Literacy is a past recipient of the prestigious State Coalition of the Year Award from the national Jump\$tart Coalition for Personal Financial Literacy for its initiatives and efforts in advancing, and support of, personal financial education in Maine; and

WHEREAS, the 10th annual Fostering Financial Education in Maine Schools Conference, to be held May 10, 2019, provides training to Maine educators, including free resources and best practices for implementation of Maine's learning standards for personal finance, ensuring that all kindergarten to grade 12 students and young adults have the knowledge and skills needed to achieve financial stability; and

WHEREAS, the conference has trained over 1,000 teachers and community educators during the past 9 years and strengthened financial literacy instruction for students and young adults in every region of the State; and

WHEREAS, the conference and other related events and programs are a collaboration among business, government, nonprofit and financial education organizations, including the Department of Professional and Financial Regulation, Office of Securities; the Finance Authority of Maine; the Maine Credit Union League; Jobs for Maine's Graduates; and numerous other partners and supporters; and

WHEREAS, it is important to raise awareness about the conference and highlight the value of supporting Maine youth in becoming financially capable adults in order to fulfill their dreams and aspirations; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize April 2019 as Fostering Financial Education Month and urge all citizens and educators to participate in providing and facilitating opportunities to better

educate students so they can become financially capable and successful adults.

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

Non-Concurrent Matter

Bill "An Act To Improve the Educational Opportunity Tax Credit"

(S.P. 352) (L.D. 1164)

REFERRED to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** in the House on April 25, 2019.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 159)

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

May 2, 2019

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the Committee on Health and Human Services has approved the request by the sponsor, Representative Handy of Lewiston, to report the following "Leave to Withdraw:"

L.D. 1153 An Act To Provide Flexibility in the Treatment of Individuals with Intellectual Disabilities or Autism

Sincerely,

S/Robert B. Hunt

Clerk of the House

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

The Following Communication: (H.C. 160)

**STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006**

May 1, 2019

The Honorable Troy D. Jackson, President

Maine State Senate

3 State House Station

Augusta, Maine 04333

The Honorable Sara Gideon, Speaker

Maine House of Representatives

2 State House Station

Augusta, Maine 04333

The Honorable Erin Herbig, Senate Chair

The Honorable Matthea Daughtry, House Chair

Committee on Innovation, Development, Economic Advancement and Business

100 State House Station

Augusta, Maine 04333

The Honorable Mark Lawrence, Senate Chair
 The Honorable Seth Berry, House Chair
 Committee on Energy, Utilities and Technology
 100 State House Station
 Augusta, Maine 04333

Re: *2017/2018 Attorney General Report to the Legislature Under the Petroleum Market Share Act*

Dear President Jackson, Speaker Gideon, Senators Herbig and Lawrence, and Representatives Daughtry and Berry:

I am pleased to submit this report in accordance with the Petroleum Market Share Act (PMSA), 10 M.R.S.A §1677. The PMSA requires the Attorney General to make a report to the Legislature describing the concentration of retail outlets in the State, including a recommendation as to whether additional legislation is needed to further limit or curtail the activity of refiners operating retail outlets.

Enclosed is a report describing concentration of retail outlets in the State. The report, which is based on data collected from wholesalers of both motor fuel oil and home heating oil, includes maps depicting relative concentration in designated markets throughout the State. This report is also available on the Attorney General's website at: <http://www.maine.gov/ag/docs/PMSA%20Report%202017-2018.pdf>.

Since no refiners of petroleum products operate retail outlets in this State, we recommend no legislation to limit or curtail such operations.

I appreciate this opportunity to provide this information and hope it is useful.

Sincerely,
 S/Aaron M. Frey
 ATTORNEY GENERAL

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

The Following Communication: (H.C. 161)

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

May 2, 2019
 Honorable Sara Gideon
 Speaker of the House
 2 State House Station
 Augusta, Maine 04333

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

- Agriculture, Conservation and Forestry
 L.D. 233 An Act To Move the Bureau of Parks and Lands from the Department of Agriculture, Conservation and Forestry to the Department of Inland Fisheries and Wildlife
- L.D. 796 An Act To Reestablish the Department of Agriculture, Food and Rural Resources and the Department of Conservation (EMERGENCY)
- Energy, Utilities and Technology
 L.D. 273 An Act To Require Transmission and Distribution Utilities To Purchase Electricity from Renewable Resources at Certain Prices
- L.D. 434 An Act To Price Carbon Pollution in Maine

- L.D. 1279 An Act To Modernize Maine's Renewable Portfolio Standard
- L.D. 1299 An Act To Incentivize Municipalities, State Agencies, Colleges and Universities To Use Electric Vehicles
- L.D. 1398 An Act To Allow the Efficiency Maine Trust To Provide Support for New Home Construction
- Environment and Natural Resources
 L.D. 197 An Act To Convene a Working Group To Authorize a Public Trust for Maine's Groundwater and To Impose a 2-year Moratorium on Large-scale Groundwater Extraction
- L.D. 221 An Act To Reduce the Cost of Automobile Repairs by Eliminating the Aftermarket Catalytic Converter Requirement
- L.D. 413 An Act To Ensure the Rights of Citizens to Groundwater in the State
- L.D. 1101 An Act To Amend the Shoreland Zoning Laws To Allow Pedestrian Walkways and Trails That Exclude Motorized Vehicles within the Shoreland Zone
- L.D. 1287 An Act To Protect the Penobscot River and Penobscot Bay from Mercury Contamination
- L.D. 1336 Resolve, Directing the Governor To Renominate Penobscot Bay for Inclusion in the United States Environmental Protection Agency National Estuary Program
- L.D. 1358 An Act To Further the Public Interest in All Maine Waters
- Health Coverage, Insurance and Financial Services
 L.D. 1349 An Act To Create a Licensing Board and Licensure Requirements for Intentional Peer Support Specialists
- L.D. 1389 An Act To Address Transparency, Accountability and Oversight of Pharmacy Benefit Managers
- L.D. 1406 An Act To Require Certification of Radiologic Technologists Who Are Licensed Chiropractic Assistants
- Judiciary
 L.D. 409 An Act To Allow Fair Access to Child Advocacy Center Records
- L.D. 644 An Act To Improve Safety at State Courthouses
- L.D. 856 An Act To Give Probate Judges Latitude in Permitting Visitation by Grandparents
- L.D. 1045 An Act Regarding Bad Faith Assertions of Patent Infringement
- L.D. 1091 An Act Regarding the Personal Liability of Government Employees
- Taxation
 L.D. 77 An Act To Increase the Homestead Property Tax Exemption to \$50,000 for Persons 75 Years of Age and Older
- L.D. 452 An Act To Change the Penalty When Land under the Maine Tree Growth Tax Law Is Transferred
- L.D. 837 An Act To Increase the Homestead Property Tax Exemption for Certain Persons Who Are at Least 75 Years of Age
- L.D. 1070 An Act To Reduce the Number of Domestic Assaults and Suicides By Increasing the Tax on Alcohol

- L.D. 1123 An Act Regarding Telecommunications Infrastructure Costs
- L.D. 1172 An Act To Provide Direct Property Tax Relief to Homeowners by Increasing the Homestead Exemption

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (S.C. 345)

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

April 30, 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 Education and Cultural Affairs,

- The Honorable Joyce A. Maker of Calais for appointment, to the Maine Community College System, Board of Trustees;
- The Honorable Jean Ginn Marvin of Scarborough for reappointment, to the Maine Community College System, Board of Trustees;
- The Honorable Michael H. Michaud of East Millinocket for appointment, to the Maine Community College System, Board of Trustees;
- Michael Pulsifer of Cape Elizabeth for appointment, to the School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
- Lisette Belanger of Portland for appointment, to the School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
- Sven Bartholomew of Brewer for appointment, to the University of Maine System, Board of Trustees;
- Kelly A. Martin of Fort Kent for reappointment, to the University of Maine System, Board of Trustees;
- James O. Donnelly of Brewer for reappointment, to the University of Maine System, Board of Trustees;
- The Honorable Michael H. Michaud of East Millinocket for appointment, to the University of Maine System, Board of Trustees;
Upon the recommendation of the Committee on Veterans and Legal Affairs,
- Meri Lowry of Portland for reappointment, to the Commission on Governmental Ethics and Election Practices;
- Bradford A. Pattershall of Freeport for reappointment, to the Commission on Governmental Ethics and Election Practices.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Enhance the Ability of the State To Prosecute the Crime of Operating Under the Influence" (H.P. 1200) (L.D. 1676)

Sponsored by Representative McLEAN of Gorham.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act To Allow Reentry Houses as Part of Supervised Community Confinement" (H.P. 1201) (L.D. 1677)

Sponsored by Representative FAY of Raymond.
Cosponsored by Representatives: COREY of Windham, GATTINE of Westbrook, MARTIN of Greene.
Submitted by the Department of Corrections pursuant to Joint Rule 204.

Bill "An Act To Authorize the Commissioner of Corrections To Designate Additional Employees of the Department of Corrections To Collect Biological Samples" (H.P. 1202) (L.D. 1678)

Sponsored by Representative MARTIN of Greene.
Cosponsored by Representatives: COREY of Windham, GATTINE of Westbrook.
Submitted by the Department of Corrections pursuant to Joint Rule 204.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

Bill "An Act To Limit the Dissemination of Juvenile Records" (H.P. 1197) (L.D. 1670)

Sponsored by Representative TALBOT ROSS of Portland.
Bill "An Act Regarding the Admissibility of Certain Health Care Records as Evidence" (H.P. 1199) (L.D. 1672)

Sponsored by Representative BAILEY of Saco.
Committee on **JUDICIARY** suggested and ordered printed.

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

Sent for concurrence.

Bill "An Act To Amend the Laws Governing the Maine Capital Investment Credit To Ensure Fairness for Maine Businesses" (H.P. 1198) (L.D. 1671)

Sponsored by Representative TIPPING of Orono.
Committee on **TAXATION** suggested and ordered printed.

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

Sent for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Help Ensure That Direct Initiatives of Legislation Are Compatible with the Constitution of Maine and Statutory Law

(H.P. 1196) (L.D. 1669)

Sponsored by Representative O'CONNOR of Berwick.
Cosponsored by Senator FOLEY of York and Representatives: BRADSTREET of Vassalboro, DeVEAU of Caribou, HAGGAN of Hampden, JOHANSEN of Monticello, SAMPSON of Alfred, STEWART of Presque Isle, Senators: DOW of Lincoln, 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.

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

ORDERS

On motion of Representative FARNSWORTH of Portland, the following House Order: (H.O. 25)

ORDERED, that Representative Anne M. Carney of Cape Elizabeth be excused April 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Scott W. Cuddy of Winterport be excused April 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donna R. Doore of Augusta be excused March 26, 28 and April 2, 4, 11, 16, 18, 23 and 25 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Billy Bob Faulkingham of Winter Harbor be excused April 23 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Abigail W. Griffin of Levant be excused April 30 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sheldon Mark Hanington of Lincoln be excused April 18 for health reasons.

AND BE IT FURTHER ORDERED, that Representative MaryAnne Kinney of Knox be excused April 23 and 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter A. Lyford of Eddington be excused April 23 and 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Roland Danny Martin of Sinclair be excused April 11, 16, 18 and 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne C. Perry of Calais be excused April 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Christina Riley of Jay be excused April 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Timothy S. Theriault of China be excused April 23 and 25 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Maine School of Science and Mathematics, in Limestone, which has been ranked 2nd out of 17,000 high schools in the nation in the annual assessment by *U.S. News & World Report*. We extend our congratulations and best wishes;

(HLS 312)

Presented by Representative MARTIN of Eagle Lake. Cosponsored by President JACKSON of Aroostook, Representative McCREA of Fort Fairfield.

On **OBJECTION** of Representative MARTIN of Eagle Lake, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **MARTIN:** Thank you, Madam Speaker, Members of the House. It really is a pleasure to talk about this order this morning.

This school has made the list before but never, ever second in the nation. I think a little history is important because it goes back to 1994 when a group of Aroostook County legislators, 12 of us, and then a group of leadership and education members introduced the bill to create the school. Little did we know that we would get to this level and it is amazing success and it is, I think, an unbelievable result of what the legislature has been able to do over the years to fund it.

I think it also is coincident that this Saturday there will be a memorial service for Sue Pines held in her -- who passed away just a couple months ago, will be held in Hallowell where she lived after she left being a state representative from Limestone. She was a constant supporter of the school, in addition, giving beds when there were not enough beds at the school, she let the students stay at her house. Students who came from around the world and, in particular, it was a great effort on her part and constant support for that institution.

And so we congratulate the staff of the magnet school and all the people who have made it happen. It is, I think, a demonstration of what a model school can be and we are moving forward to see if every high school in Maine can achieve that goal.

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 would like to join in congratulating MSSM. Why would a social science teacher who champions history and government and critical thinking and civil rights and civic responsibility be standing to applaud a school of science and math, and the fact of the matter is their levels of excellence go beyond science and math. They do have a humanities curriculum as part of the school there, of course, and I have been an advisor to the Maine State YMCA's youth and government program for 36-37 years now and we call it the model state legislature and the delegation first lead by Luke Shorty and then later on by Dan Milligan, has always been very, very strong and represented the school and the State of Maine very well. I first I think encountered them as our rival advisor and MSSM was always formidable but now merely as an advisor to the overall program, I wanted to be sure to congratulate MSSM on this outstanding recognition. They are certainly deserving. Thank you, Madam Speaker.

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

Representative **McCREA**: Thank you very much, Madam Speaker. I would be remiss if I didn't rise.

This little school up in Northern Maine is in my district and I'm very proud of them. I was there Friday talking with the leader, Dave Pearson, of that organization. I would also like to extend an invitation to anybody in the body here if you ever come up that way, I would be happy to go with you and show the place off. I was going to say a few things about the history but the Good Representative from Eagle Lake is much better at history than I, he has more of it, and I think that -- and I very much respect that.

One of the things that I have noticed being here the last two or three years is that everything seems to be ranked in our world today, sometimes for the better, sometimes for the worse; the State of Maine is 47th on the list of something that's great or maybe not so great. Here's one -- think of this, folks; 17,000 high schools are involved in this rating. Number two is right here in little old Maine. So I think we all should be very proud of them, I know I am, and I can't imagine that there's not someone in this -- that there's not -- that there is anyone in this body that is not proud of them. I thank you, Madam Speaker.

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

**REPORTS OF COMMITTEE
Ought to Pass as Amended**

Report of the Committee on **LABOR AND HOUSING** on Bill "An Act To Clarify the Disqualification from Unemployment Benefits of a Person Who Is Terminated from Employment for Being Under the Influence of Marijuana"

(S.P. 292) (L.D. 1013)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-39)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-39) AS AMENDED BY SENATE AMENDMENT "B" (S-71)** thereto.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-39)** was **READ** by the Clerk.

Senate Amendment "B" (S-71) to Committee Amendment "A" (S-39) was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-39) As AMENDED BY Senate Amendment "B" (S-71) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-39) as Amended by Senate Amendment "B" (S-71)** thereto in concurrence.

Divided Reports

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act Regarding Utility Line Extensions"

(S.P. 273) (L.D. 918)

Signed:

Senators:

LAWRENCE of York
MIRAMANT of Knox

Representatives:

CAIAZZO of Scarborough
FOSTER of Dexter
HANLEY of Pittston
KESSLER of South Portland
RYKERSON of Kittery

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-68)** on same Bill.

Signed:

Representatives:

BERRY of Bowdoinham
DOUDERA of Camden
GROHOSKI of Ellsworth
RILEY of Jay

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

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

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-69)** on Bill "An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way"

(S.P. 366) (L.D. 1192)

Signed:

Senators:

LAWRENCE of York
MIRAMANT of Knox

Representatives:

BERRY of Bowdoinham
CAIAZZO of Scarborough
DOUDERA of Camden
GROHOSKI of Ellsworth
KESSLER of South Portland
RILEY of Jay
RYKERSON of Kittery

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

Signed:

Senator:

WOODSOME of York

Representatives:

FOSTER of Dexter
HANLEY of Pittston

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-69)**.

READ.

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

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 this measure, and I request a roll call and I wish to speak to it as well.

The same Representative **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 Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Madam Speaker. This bill is well-intentioned but unintended consequences. The bill allows a town to demand space to be made on poles for broadband expansion. The trouble is with this bill is that a large town like Portland or Lewiston or whatever could make this request of a utility and the entire state ratepayers would be the ones that would have to pay for these services. So it's a well-intentioned bill but it simply will add to the cost of services that we receive through the utilities. I ask you to follow my light and defeat this measure. Thank you, Madam Speaker.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, the cost of pole extensions is often a very significant and most of us believe avoidable cost to the utility or telecom or entity that is seeking to attach to a pole. This bill would encourage the owners of poles to ensure that their infrastructure is, in fact, prepared for attachment by the municipalities who do own the right-of-way which is used by the poles.

This is a sensible measure that would allow broadband infrastructure to be deployed less expensively in the State of Maine and I think we can all agree that that is a necessity. I hope you will accept the Majority Report and follow my light. Thank you.

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

ROLL CALL NO. 64

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

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Brooks, Daughtry, Foley, Grignon, Ingwersen, Perry J, Talbot Ross.

Yes, 86; No, 56; Absent, 7; Excused, 1.

86 having voted in the affirmative and 56 voted in the negative, with 7 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-69)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-69)** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-178)** on Bill "An Act To Exempt from Criminal Liability Persons Reporting a Drug-related Medical Emergency"

(H.P. 254) (L.D. 329)

Signed:

Senators:

DESCHAMBAULT of York
CARPENTER of Aroostook
ROSEN of Hancock

Representatives:

WARREN of Hallowell
BEEBE-CENTER of Rockland
COOPER of Yarmouth
COREY of Windham
COSTAIN of Plymouth
MORALES of South Portland
PICKETT of Dixfield
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Representative:

JOHANSEN of Monticello

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-178)** 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-178)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-176)** on Bill "An Act To Ensure Comprehensive Access to Menstrual Products in All Maine's Jails, County Correctional Facilities and State Correctional and Detention Facilities"

(H.P. 457) (L.D. 628)

Signed:

Senators:

DESCHAMBAULT of York
CARPENTER of Aroostook
ROSEN of Hancock

Representatives:

WARREN of Hallowell
BEEBE-CENTER of Rockland
COOPER of Yarmouth
COREY of Windham
COSTAIN of Plymouth
MORALES of South Portland
PICKETT of Dixfield
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Representative:

JOHANSEN of Monticello

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-176)** 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-176)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-188)** on Bill "An Act To Make Election Day a State Holiday"

(H.P. 340) (L.D. 431)

Signed:

Senator:

CLAXTON of Androscoggin

Representatives:

MARTIN of Sinclair
BRYANT of Windham
EVANGELOS of Friendship
PEBORTH of Blue Hill
VEROW of Brewer

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

Signed:

Representatives:

HEAD of Bethel
KINNEY of Knox
REED of Carmel
RISEMAN of Harrison
TUELL of East Machias

READ.

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

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

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

The bill before us seeks to make election day a state holiday despite the fact that Maine's voter turnout rate is already comparable to some of the nations around the world where election day is already a holiday, and also because we have same-day voter registration, absentee voting for weeks in advance of the general election, and a vibrant Clean Election program that both candidates and voters have supported for a generation.

Voting in Maine is easy. You can register to vote when you register your car, your dog, your boat, get your hunting license, or pay your taxes. You can request an absentee ballot online, you can fill it out when you get it anytime before election day, or sit in town office and fill it out, as I have done the past several election cycles. You do not need a reason to vote absentee. In fact, many organizations in all political parties encourage voters to do just that. So even if someone couldn't get to the polls on election day, they have many, many, many, many chances to participate in the process now.

Beyond that, there is no evidence that giving people a day off to vote means they will go vote. What I suspect will happen is that people with the means will make a long weekend of it and go on their vacation over election day weekend or call in sick on Monday and go to deer camp for a couple of days, or maybe take the whole week and go because it's so close to Veteran's Day.

Employers may not choose to give their employees the day off. There is no obligation in the bill requiring them to do so and town employees, particularly those who work the polls, are going to have to work the election, anyhow, and in many cases be paid holiday pay to boot. That, Madam Speaker, is going to cost local property taxpayers money for little to no real approvable, tangible benefit. Again, our voter participation rates in the general election are already strong. If we were going to give people a day off to vote, hypothetically because of low voter turnout, it would make a good bit more sense to give them the day of the primary elections off, yet that never even came up as a discussion point during committee.

The other reason I have for opposing the pending motion gets down to priorities. If your priority is to vote, you will find a way there. I'm legally blind. I have never once missed a November election despite the fact I can't drive. I've always had friends, family, co-workers, supervisors willing to get me to the polls before election day or on election day. That is because voting is not just a right but a priority for me. I believe in voting, that you do what you have to do to get to the polls, and that we have made great strides in welcoming voters to the polls in my lifetime. I truly believe that if people aren't voting now, part of the reason for that is they might not want to vote. They might not see it as a priority. I cannot tell you how many people's doors I knock on that say they don't vote, don't care to vote, never have voted, never will vote. That's their

choice. I might not agree with it, but honestly if the goal of the legislation is to guarantee a hundred percent voter turnout, it is destined to fail because not everyone has the same priorities I or many of us do, or everyone else in this chamber, for that matter.

In closing, Madam Speaker, Maine voters have ample opportunity to vote, are already voting in large numbers, and this bill is going to cost property taxpayers across the state in their town budgets. There's many reasons why people don't vote aside from the fact that it's a working day. Put simply, you can lead a horse to water, but you can't make it drink. Thank you, Madam Speaker, and I request a roll call.

The same Representative **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 Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, the Good Representative from Eastport made some outstanding arguments as to why we should be supporting this piece of legislation. I just want to point out that in regards to a question that was posed to me earlier, the committee nor our legislative annals identify any mandate on this piece of legislation. I want to point out that six individuals -- organizations testified on this piece of legislation, there was no opposition, however there were two agencies that spoke neither for nor against it.

The fiscal note on this piece of legislation is less than \$7,000 a year so I would hope when the vote is taken, Madam Speaker, that you follow my light and vote in favor of the pending motion.

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

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

I was really glad the Representative from Sinclair pointed out the fiscal note. It is only \$6,604 and it's considered for the Secretary of State's office needing to be open to deal with questions that may arise from municipalities during election day. The problem with that is as a state holiday all state offices will need to be closed so this fiscal note is not a proper representation of what this will cost the state. As a state holiday, all of our state offices will need to be closed so the fiscal note will be much higher because this will become a paid holiday so it does have a mandate on the taxpayers.

And, to further go with what the Good Representative from East Machias mentioned, studies across the nation, and this was brought up in testimony, have proven that making this a holiday does not affect voter turnout. One of the other things that was mentioned during testimony I believe by the sponsor of the bill, was that a waitress had tried to attend to go vote on her lunch break and she couldn't get in to vote in time because the lines were too long and she wanted to vote on election day. Making it a state holiday is not going to change those lines, the lines are still going to be long in municipalities where they have a large voter turnout. I'm lucky I live in a town where cows outnumber people so therefore I don't have a long line when I go to the polls, but I have lived in Portland in the past and I remember going to the polls and being -- having a much longer wait time just because of the sheer number of people that live there. And, as was pointed out, that we have early voting. You can go in, you can request an absentee ballot, you can

vote right there. I've done this before myself, just as the Representative from East Machias has done. I go in, I vote right then and there, I don't ever leave the town office.

So this will cost the state a large fiscal note that is not represented in the one that was presented to us and for that reason I hope you will follow my light and vote against this motion. Thank you.

The **SPEAKER**: There are eight people in the queue. The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I have to agree with my good colleagues. I need to oppose the pending motion.

I'd like to state a couple things. First, we don't need this. I can go to the town office early, I can do an absentee ballot. We do have a high voter turnout. Being a numbers guy, I ran some numbers. I'm on the town council in Lincoln. We have 36 employees. Under the union contracts, if they decide to have a 13th paid holiday instead of 12 and our clerk, our deputy clerk, our warrant officer has to work the polls on that day off, Lincoln alone could see an increase of \$15-17,000. So then I was running some numbers in caucus this morning through my head and, you know, then you take Seboeis, you take Mattamiscontis, you take the other towns that I represent, that number could be in excess of \$25,000. And then if we also look at the fact that BIW or Sappi, if their union contract says that they need to have an extra additional day, I mean, that figure -- I mean, we could be talking millions of dollars in the State of Maine of lost revenue. And then also if we look at it maybe two years from now we impose that the private sector has to do this, then you take the business that my brother owns, I mean, it's crazy, this could cost the State of Maine several, several millions of dollars, in my mindset. And that \$6600 fiscal note, you know, that -- for anyone to believe that that's the fiscal note, well, I'm sorry, I mean, it's not it, you know, and the reality is Lincoln alone is going to pay \$15-17,000 if this is enacted and I would respect anyone -- or I would ask anyone to, you know, follow my light because this is bad business. Thank you.

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

Representative **HUTCHINS**: Thank you, Madam Speaker, Members of the House. I also rise in opposition to this for many of the same reasons as already been spoken but I also wanted to mention years ago I talked with a gentleman who just passed away last week, Richard Lugar, who ran for president I think it was '92. And I was escorting him through the Blue Hill Fair so that he could shake hands with people and present a blanket or two at the horse races, and everybody just loved him to pieces because when a horse would start to rear up, he'd grab a hold of it and pull it back down. And he was a little small man but he could handle a horse really slick. And we -- at that time we were discussing ways of getting more people to the polls and he liked my suggestion very much. I told him change election day to April 15th. Thank you very much.

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

Representative **SHEATS**: Thank you, Madam Speaker. I rise in support of this bill for a very different reason that has nothing to do with voter turnout, but it has instead to do with safety.

In my communities in Auburn and I know in Lewiston, our schools are used as our polling places. Right now our parking

lots are over-congested as it is and on election day it is very hard for voters to get in because of the amount of traffic in the school parking lots, but it's also a safety concern for those children who are running around the parking lot running into school as this new traffic flow rate has developed. But, more importantly, where the people go into the schools is an issue. The schools have had to change their routines to make sure that the students don't go to the cafeterias but instead go somewhere else. Teacher classrooms have been affected. And in Lewiston we are already closing the schools on election day because there is no way to separate out the voters from the students who have to go from this hallway to that hallway to go to the bathroom, to go to other classes, and the students aren't allowed to leave with a hall pass because there are adults walking up and down the hallways, there's no way to control the voters because that is how they get into the school in the main entrance and go to the cafeteria in the back, they wander through the school.

So I see this more as a safety issue than I do as a voter turnout issue. It would improve voter turnout, again the parking lot situation would improve, but mostly for me I see this as a safety for our children. So, thank you.

The SPEAKER: The Chair will remind Members to please address the rostrum when you are speaking.

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

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

Representative **DILLINGHAM**: Thank you, Madam Speaker, Members of the House. I rise in opposition of the pending motion.

To reference a fiscal note, it is for the Department of Secretary of State which would require a General Fund appropriation of \$6,604 beginning in the fiscal year of 2019/20 for increased overtime pay costs for employees of the Division of Elections to administer the election. I realize that this does not have a mandate preamble, I would think that that is incorrect, so I'd like to pose a question through the Chair, if I may?

The SPEAKER: The Representative may proceed.

Representative **DILLINGHAM**: I'd like to ask those that were in support of this that they take into consideration the additional cost for municipalities that will also need to pay their employees to work those same elections.

The SPEAKER: The Representative from Oxford has posed a question through the Chair if there is anyone who wishes to answer. The Chair recognizes the Representative from Harrison, Representative Riseman.

Representative **RISEMAN**: Thank you, Madam Speaker. I rise in opposition to the motion on the floor.

I have four quick points I want to make about the bill that I find heading down the wrong direction. One, as a small business owner and a responsible citizen in the community, I always made sure that my employees had the ability to go and check in at the voting place with no loss of pay and allow them to fulfill their obligation to vote. That worked nice.

Second, as a former employee of a nonprofit organization that follows the state holiday schedule, this is a matter of productivity and that particular organization I used to work for would indeed be closed on that holiday, which is another loss of productivity. I think, third, I think it was mentioned already the state offices would be closed and as a businessman I feel that that, indeed, is another loss of productivity.

Last but not least, I believe that schools in this situation will be out of school, which is we already have enough holidays

in the schools. Our kids are suffering to get enough learning in during the time period that they are already allowed to have teaching experiences, so this bill is not good in general for the population so I encourage you to vote against it. Thank you.

The SPEAKER: There are currently nine members in the queue. The Chair recognizes the Representative from Portland, Representative Collings.

Representative **COLLINGS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the motion.

I'm going to go over a few things very briefly. First, other -- several other nations have national election day holidays and they have a very, very high rate of participation. Many states have different forms on election day for people to vote. Some give you a certain number of hours or as many hours as possible so you can get to the polls to vote. Other states give you the whole day off to vote, it's actually a state holiday.

As far as if this will make a difference in voter turnout, I understand Maine is one of the leaders nationally for voter turnout. A side note, though, the off-year presidential election years are much lower and this would help have a higher turnout in those years where issues in elections are just as important. But beyond just what currently exists, when you look at polls, yes, the number one reason people in this country don't vote, it's not if they have an election day holiday or not, that is one of the reasons, though, and you will see an increase. Some people cannot get to the polls for election day so it will have an impact that could be thousands to tens of thousands more people in Maine will go to vote. Also, if we have this as a holiday and have it as a shining example for our youth, you'll see the next generations, I believe, more active and voting in higher rates.

As far as the cost, the state fiscal note is under \$7,000. That pertains to the Secretary of State. Some people are talking about potential fiscal notes to municipalities. I'll say to that that for smaller towns it's going to be just the people that have to work that day, not all employees are going to be working and need overtime on their contracts. And one mitigating factor as well to the cost would be that as the Representative from Auburn, Representative Sheats mentioned, there are many schools that serve as the main polling places and they need to hire police to work there and security and that is a significant cost as well so by not having that, the costs will be lower in many towns. Bigger towns, probably like where I live, may have a little bit of a bump but a lot of smaller towns, I think it will be a very marginal difference.

Finally, I would just say that part of the reason for this bill is just not to have a holiday to have a day off just for the fun of it and it's not just about arguing about the cost of it or how many people will come out to vote, part of the reason this bill is going forward here and why there's laws around the country and what I predict will become a national law soon, they're trying to get this through at the national level, is to honor the sacred right of voting in this country. Many people around this world don't have that right and they're dying to get this right and in our history, not so much here in Maine, although the suffrage movement, we were part of that, but it wasn't until not too long ago that Native Americans didn't have the right to vote in this state, but throughout this country many people died for the right to vote in the civil rights movement and in other movements. So I think we need to think about that and honor the struggle and the sacrifice for people in this country and around the world to have democracy and have the right to vote for the government in the countries that they reside in. So I hope you'll consider those factors and vote yes. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Oakland, Representative Perkins.

Representative **PERKINS**: Thank you, Madam Speaker and Members of the House. I rise in opposition of this.

I called my little town this morning and they said it's going to cost approximately \$2,600, which is an additional thousand dollars more just to have those people employed for the day if it's a holiday pay.

Now, we got to think of other things. Being the little town of Oakland, we don't have public transportation. So, but, if your big towns have public transportation, we have to pay our holiday drivers holiday pay, taxi drivers might get holiday pay, so we're just continuously adding on. And if people really want to vote, there's so many ways to do it. The year before my dad died, he went into a nursing home ten days after the election on November 8th, he called the town office, the City of Waterville, and said hey, I'd like to have a vote sent -- a ballot sent to me called an absentee ballot and mom and him both got one. He voted proudly and that was the last time he was able to vote. So there's many options out there and I just don't think we should continue on burdening the taxpayers of the State of Maine with more and more money. Again, as the Representative from -- Representative Kinney said, from Knox, I'm sorry, said that in her little town, you know, not a long line, I get that. Again, a lot of towns have their offices, their town offices they can vote in, some of them are in schools that they have to vote in, but because it's a school I think the schools have a lot of resource officers, school resource officers to help. Thank you for the time, Madam Speaker.

The **SPEAKER**: So just a reminder to Members to refer to other Members by the town from which they come. The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: Thank you, Madam Speaker. I actually just have two things. First of all, to the Good Representative from Auburn, the Education Committee has just dealt with a bill to deal with -- on the security issues around voting so that's a totally separate thing. But I also have a question that I'd like to pose.

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

Representative **RUDNICKI**: Thank you, Madam Speaker. The question would be is around the school being out for the day. Who's going to pay that as a state holiday and if it's considered a state holiday on a Tuesday, which is when we vote, are we giving them Monday off as well? Something to consider in the cost that goes along with that. Thank you, Madam Speaker.

The **SPEAKER**: The Representative from Fairfield has posed a question through the Chair if there is anyone who wishes to answer. The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Madam Speaker. I used to work for the University System. I was a represented employee and we got all state holidays off when I was there. The University System was supported by taxpayers and tuition. This is lost productivity, is what it is. We are the fiduciaries for the peoples' money. People have talked about cost but it's lost productivity we are paying for. Why would we do this with the peoples' money? Please join me in voting against this motion. Thank you.

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

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

On top of municipal government spending more money to conduct elections, our cash-strapped schools will have to stay open, staff them with custodians, and the school year will be extended. Anyone who's taught knows our schools are cash-strapped. Also, teachers know that teaching days in November are far more productive than they are in June. And if one in five children are dependent on school lunches, that will be one extra day that they are without food.

We also heard a bill regarding student safety during election day this session. Like another Good Representative just mentioned, we heard from stakeholders if the schools want to have in-service day, they already have that freedom to do that. A mandate here is not needed. I urge you to oppose this motion. 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 pending motion.

Most of what I was going to say has been well said by other Representatives but I just wanted to point out the fact that Members of both sides of the aisle often talk about property tax relief and I think this would be a huge burden on the municipalities that will rise property taxes and we also have 60-70% voting rate already so I think this is a pretty unnecessary bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Caribou, Representative DeVeau.

Representative **DeVEAU**: Thank you, Madam Speaker. I rise in opposition to this bill.

I don't really care what every other state, nation, or planet does. I represent Maine and my district. There is going to be cost associated that through this -- because of this and what I consider a mandate. A day off is not going to change the number of voters that turn out, it's just going to provide a day off. I do pose a question.

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

Representative **DeVEAU**: I ask if that the State creates a mandate and states that the municipalities are going to have to pay for it because it's not a state-funded portion, how is this not a mandate?

The **SPEAKER**: The Representative has posed a question through the Chair if there is anyone who wishes to answer. The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. As you well know, there are several state holidays that we currently observe. In regards to the comment or the argument posed by my good friends on the other side of the aisle, there is no requirement for the private sector or the business community to have their employees observe this holiday, as well as I suspect some municipalities may not as well. So, it's for that reason that the fiscal office, the committee, our analysts, did not identify a mandate on this piece of legislation.

The **SPEAKER**: The Chair recognizes the Representative from Winthrop, Representative Hickman.

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

A little history; a century and a half before the Fourth of July had any particular significance, before Christmas was widely celebrated and long before Thanksgiving was a national holiday, there was election day. From the earliest New England settlements, colonial elections were public feast days, when people put on their best clothes and paraded into town

with neighbors and friends. These puritans would sit for the election day sermon, among the most important religious events of the year, with prayers for elected leaders and warnings to the community to stay true to their values before heading off for discussion, snacks, rounds at the tavern, and a communal dinner. Through the Revolutionary period, the election day tradition evolved into more lavish public affairs, at which voters could expect to be treated with barbecue, cake, and rum punch. George Washington provided 158 gallons of alcohol to voters during one Virginia election.

Although Americans today are unaccustomed to debating political issues around open barrels of booze, other aspects of our long election day traditions should be revived, along with the passionate electoral engagement that accompanied it. American voter participation is abysmal compared with other established democracies, trailing behind countries such as France and Mexico that observe federal holidays for general elections and also compared with the Americans of the 19th century. The far more robust voter turnouts of this earlier period in which elections occasioned boisterous public festivities reveal a civic culture that we have lost. That culture was not perfect. Election day was not only a day of celebration but also of exclusion and, importantly, of resistance. We should seize on this history and learn from its blind spots, Madam Speaker, to imagine a public democracy in the United States today.

As property requirements gave way to universal white male suffrage around 1840, election day became synonymous with raucous public revelries of common people enacting and celebrating democracy. Parades sometimes stretched to ten miles, with musical bands, banners, horse-drawn floats, and huge balls revealing slogans as they rode. These festivities were family-friendly affairs during the day, with popcorn balls, candy and peanuts for sale along parade routes and carnival tents nearby. From 1840 to 1900, young people were central to these events. First-time voting was a thrilling right of passage for men turning 21, openly compared to the loss of virginity. Is it any wonder that this period was also the pinnacle of voter participation in American history? From 1840 to 1896, 80% of eligible voters showed up for elections. By comparison, the most vigorous turnout in a recent election was 63% in 2008. It was down to 56% in 2016.

This low turnout is attributable in part to the fact that Americans can't get time off from work to vote. In early America, elections took place on different days in different states but in 1845, when Congress chose a uniform date for all to observe, it was selected specifically with voter turnout in mind. The now-familiar Tuesday in November was chosen so that voters in remote areas would not have to travel to the polls on Sundays and because it fell after the busiest season for farmers but before the winter storms had started. During that time, business owners often closed shop, many states passed laws recognizing election day as an official holiday. This is still the case in some places. Election day remains a holiday in eight states and the territory of Puerto Rico. Other states have statutes providing that workers must be given adequate time to vote. Employees of companies including Lyft and Patagonia enjoy paid time off on election day. Members of the United Auto Workers Union do as well.

But work schedules are not the only barrier to civic participation. The process by which voters were demobilized in the 20th century was complex. Factors ranged from racist violence at the polls and onerous voter registration requirements to prohibition era laws which closed bars, many of which had previously served as campaign headquarters, on

election day. Socioeconomic class dropped out of the campaign rhetoric altogether as corporations and elites came to control party agendas and Americans increasingly doubted that their votes mattered at all. And it's clear that this trend has disproportionately affected working class and poor Americans.

In recent years, calls have mounted from citizens, businesses, nonprofit organizations, and politicians to declare election day a holiday. Congress considered bills to that effect in one, two and five of the years 2000 and this pushed promises to continue. A federal holiday could go a long way toward invigorating voter turnout but honoring our historical election day tradition would require a deep change in our engagement with the political process. What might it look like in contemporary America to take some aspect of the experience back from the spectator sport of cable news to create a popular politics that would animate voter participation? Some of us are beginning to revive convivial elements of this tradition that Americans have long ago abandoned, such as brewing election beer and modernizing the massive spice cake that colonial era women handed out to muster voters to the polls. Such a revival is not a cure for partisanship, but the holiday managed nevertheless to unite a broad swath of population in a civic culture that celebrated the process itself. Declaring election day a holiday and rekindling the celebratory spirit that marked the day in previous centuries would be an important step toward promoting democratic participation but we must also depart from our history to create an inclusive election day in which all Americans can take part. That is from Hallie Jackson.

And, Madam Speaker, I would say that because voting is so important, it doesn't really matter to me how much it costs. It ought to be done in such a way that the most people can participate as possible and making election day a holiday in Maine will move us in that direction, money be darned.

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I wasn't going to rise to this, but I will rise and stand opposed to this measure.

I have a couple of points to make and I'll try to be brief. First of all, although we may all think that complacency has taken hold and we no longer celebrate the ability to vote in this state or in this nation or even in our small communities, I assure you that my constituents hold it as a great and privileged ability and they turn out in large numbers to do so on election day. I also know that they are very greatly aware of what it costs their citizens as taxpayers to carry out local government. For instance, these small towns are concerned whenever a special town meeting is called for an item such as allocation of extra money for a fire truck that was forgotten for the regular town meeting. There is an expense there and they are counting their pennies. This is not a trivial item for them when we talk about what costs will be incurred if this is made a holiday.

Secondly, all of us take the right of every person to vote seriously in this state. We do all that we can to make that happen. I can think of very few occupations where state workers have a very short window in their day to make it to the polls or have the inability to cast an absentee ballot if they can't. In my previous life, I had the unfortunate experience of having several paper machine shutdowns occur on election day and I can tell you, when you have a machine down that's costing up to \$10,000 an hour in lost productivity, it's extremely important that every person is accounted for and is occupied on each task during -- throughout that day. Our maintenance

workers who were tasked to come in to work early in the morning, often staying 16 hours well after the polls closed, would not have had an opportunity to vote on that day if they hadn't filed an absentee ballot or if the company did not make a commitment, and I and my supervisors not make sure that we scheduled each and every maintenance worker an opportunity during the poll hours of that day to get out and vote. And I can assure you that every union worker and all of my salaried workers had that opportunity if they so wished.

So I think this bill is completely unnecessary, it is going to hoist a financial burden on our towns, especially the smaller towns who are going to have to budget for this when this comes up as they are planning their next year's expenses, and I urge everyone to vote no on this measure. Thank you, Madam Speaker.

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

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion for many reasons that have already been stated here today.

I would just -- I have a question I want to pose through the Chair but before I do, I just wanted to make a couple of comments. I believe the polls run from 8 a.m. to 8 p.m. for a reason, and that's so that people that work shift work can get there regardless of what shift they work. Even a person working a 12-hour shift, six to six, has the opportunity to get to the polls and vote. So I think that's one thing there that has made an option for people to be able to vote. Also, we cannot and we absolutely cannot, Madam Speaker, forget the option of absentee ballot that's always available and I know many people in my district take advantage of that. More and more, we're seeing, because they don't want to stand in line in the polls.

My question through the Chair is this, however. We say that this is not a mandate and we say that there's an option to be able to work or have your employees work or not work for this holiday. So, during the hearing, I would like to pose a question to someone from the committee, if they can answer this.

The SPEAKER: The Representative may proceed.

Representative **PICKETT**: Was anybody there from the unions who stated that they would not be -- would or would not be looking to get a day off for their employees if it was a holiday?

The SPEAKER: The Representative from Dixfield has posed a question through the Chair if there is anyone who is able to answer. The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm a little bit surprised. One of the points that hasn't been made is under current state law it states that state offices are closed and state employees are entitled to the days noted as days off with pay. A state employee who is required to work on a holiday receives overtime pay and I guess the point I'd like to make is this will be an additional day that Maine residents will not receive services. This is one less day in the calendar year that they're not going to be able to go to the DMV or other places because those offices are going to be closed while at the exact same time, they're going to be asked to pay for that -- for those folks that would normally be working in those offices. I think that's something that needs to be weighed when it comes to this topic and thank you for allowing me to speak.

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. 65

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

NAY - Alley, Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Crockett, Cuddy, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fay, FecteauJ, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hepler, Higgins, Hutchins, Hymanson, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, MartinT, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Perry A, Pickett, Pluecker, Prescott, Reed, Riley, Riseman, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Tuell, Verow, Wadsworth, White B, White D.

ABSENT - Brooks, DeVeau, Grignon, Ingwersen, Talbot Ross, Theriault.

Yes, 74; No, 69; Absent, 6; Excused, 1.

74 having voted in the affirmative and 69 voted in the negative, with 6 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-188)** 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-188)** and sent for concurrence.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-180)** on Bill "An Act To Help Municipalities Prepare for Sea Level Rise" (H.P. 407) (L.D. 563)

Signed:
Senators:

CLAXTON of Androscoggin
DAVIS of Piscataquis

Representatives:

MARTIN of Sinclair
BRYANT of Windham
EVANGELOS of Friendship
HEAD of Bethel
PEBORTH of Blue Hill
REED of Carmel

RISEMAN of Harrison
TUELL of East Machias
VEROW of Brewer

DAVIS of Piscataquis
DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair
BRYANT of Windham
EVANGELOS of Friendship
HEAD of Bethel
KINNEY of Knox
PEBWORTH of Blue Hill
REED of Carmel
TUELL of East Machias
VEROW of Brewer

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

Signed:

Representative:

KINNEY of Knox

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-180)** 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-180)** and sent for concurrence.

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

Signed:

Representative:

RISEMAN of Harrison

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Allow Municipalities To Send Separate Tax Bills for Municipal and County and School Taxes"

(H.P. 476) (L.D. 655)

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

MARTIN of Sinclair
BRYANT of Windham
EVANGELOS of Friendship
HEAD of Bethel
KINNEY of Knox
PEBWORTH of Blue Hill
REED of Carmel
RISEMAN of Harrison
TUELL of East Machias
VEROW of Brewer

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

Signed:

Senator:

CLAXTON of Androscoggin

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Remove Vacancy Provisions for Certain Positions in County Government"

(H.P. 945) (L.D. 1302)

Signed:

Senators:

CLAXTON of Androscoggin

CONSENT CALENDAR

First Day

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

(S.P. 341) (L.D. 1121) Bill "An Act To Acknowledge Potable Water as a Necessity" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(S.P. 20) (L.D. 67) Bill "An Act To Ensure Access to Justice for Victims of Sexual Assault" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-72)**

(S.P. 65) (L.D. 253) Bill "An Act To Remove the Bet Limit for Winner-take-all Hands in Games of Chance Tournament Games" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-64)**

(S.P. 150) (L.D. 485) Bill "An Act To Require an Owner of a Dangerous Dog To Remain at the Scene of an Assault by the Dog" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-65)**

(S.P. 272) (L.D. 917) Bill "An Act Increasing Municipal Agent Fees for Motor Vehicle, All-terrain Vehicle, Snowmobile and Watercraft Registrations" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-70)**

(S.P. 388) (L.D. 1268) Bill "An Act To Update and Clarify the Laws Governing Raffles" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-67)**

(H.P. 515) (L.D. 710) Resolve, To Require the Department of Environmental Protection To Study the Establishment of a Product Stewardship Program for Mattresses Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 551) (L.D. 746) Bill "An Act To Allow Municipalities To Determine the Duration of Development Districts Funded by Assessments" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 622) (L.D. 848) Bill "An Act Concerning Disclosure Requirements for Transfers of Properties Accessed by Means Other Than a Public Way" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 806) (L.D. 1102) Bill "An Act To Remove a Reference to Constables in the Law Governing Execution of Process" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 1074) (L.D. 1467) Bill "An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Cellular Telephone Recycling Law" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 429) (L.D. 585) Bill "An Act To Allow the Adoption of Ordinances Prohibiting the Accumulation of Trash on Private Property in Plantations and Unorganized Territories" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-187)**

(H.P. 481) (L.D. 660) Bill "An Act To Exempt Sales to Parent-Teacher Organizations from the Sales Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-183)**

(H.P. 655) (L.D. 881) Bill "An Act To Ensure Equitable Treatment of Super Pack License Holders in Antlerless Deer Permit Lotteries" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-186)**

(H.P. 687) (L.D. 932) Bill "An Act Regarding Moose Permit Subpermits" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-185)**

(H.P. 715) (L.D. 960) Bill "An Act Regarding Size Requirements for Soft-shell Clams and the Creation of a Spat Collection Permit" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-177)**

(H.P. 725) (L.D. 970) Bill "An Act To Encourage Policies Regarding Accessory Dwelling Units under Local Comprehensive Plans and Zoning Requirements" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-179)**

(H.P. 746) (L.D. 1004) Bill "An Act To Reduce Costs and Emissions by Increasing Telecommuting at State Agencies" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-181)**

(H.P. 836) (L.D. 1147) Bill "An Act To Amend the Laws Regarding the Size and Weight of All-terrain Vehicles, the Operation of Motor Vehicles on Designated All-terrain Vehicle Trails and the Operation of All-terrain Vehicles on Trails Posted with Size or Weight Limits and To Update and Improve Funding Mechanisms for All-terrain Vehicle Trail Development and Maintenance" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-184)**

(H.P. 1010) (L.D. 1396) Bill "An Act To Update the Laws Governing the Regional Library Systems" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-182)**

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

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

Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

ENACTORS

Emergency Measure

Resolve, To Establish the Task Force To Study the Coordination of Services and Expansion of Educational Programs for Young Adults with Disabilities

(H.P. 626) (L.D. 852)
(C. "A" H-126)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Allow the Use of a Crossbow for a Limited Duration during the Archery Season on Deer and the Fall Season on Wild Turkey

(H.P. 28) (L.D. 27)
(C. "A" H-147)

An Act To Facilitate Access to the MaineCare Family Planning Benefit

(H.P. 64) (L.D. 78)
(C. "A" H-132)

An Act To Appropriate Funds for Home Visiting Services To Provide Child Development Education and Skills Development for New Parents

(H.P. 97) (L.D. 115)
(C. "A" H-137)

An Act To Provide Funding for the Maine Coworking Development Fund

(H.P. 120) (L.D. 138)
(C. "A" H-146)

An Act To Continue MaineCare Coverage for Parents During the Rehabilitation and Reunification Process

(H.P. 158) (L.D. 195)
(C. "A" H-133)

An Act To Strengthen Brain Injury Resources for Underserved Populations, Including Opioid Overdose Brain Injury Survivors

(H.P. 221) (L.D. 297)
(C. "A" H-134)

An Act To Provide Emergency Funds for Clients of the Adult Protective Services System

(H.P. 250) (L.D. 325)
(C. "A" H-140)

An Act To Require That Notice of Lead Abatement Orders Be Filed with the Registry of Deeds

(H.P. 261) (L.D. 336)
(C. "A" H-136)

An Act Regarding Charging a Person under 18 Years of Age with the Crime of Engaging in Prostitution

(S.P. 170) (L.D. 548)
(C. "A" S-48)

An Act To Promote Academic Achievement through Hunger Relief for Maine Children

(S.P. 171) (L.D. 549)
(C. "A" S-57)
An Act Regarding the Licensing of Funeral Practitioners
(H.P. 500) (L.D. 679)
(C. "A" H-144)
An Act To Amend the Maine Dental Education Loan Program
(H.P. 502) (L.D. 681)
(C. "A" H-145)
An Act Regarding the Cancellation of Subscription Services
(H.P. 576) (L.D. 771)
(C. "A" H-143)
An Act To Give Maine Schools Additional Options To Make Up Missed School Days
(H.P. 685) (L.D. 930)
(C. "A" H-127)
An Act To Reduce Obesity by Reimbursing for Prescription Drug Therapy Provided by a Member of a Weight Management Team
(H.P. 686) (L.D. 931)
(C. "A" H-138)
An Act To Ban Native American Mascots in All Public Schools
(H.P. 699) (L.D. 944)
(C. "A" H-122)
An Act To Destigmatize Mental Illness through Health Instruction That Emphasizes the Relationship between Physical and Mental Health in Schools
(S.P. 303) (L.D. 1024)
(C. "A" S-58)
An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure
(H.P. 786) (L.D. 1063)
(C. "A" H-110)
Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, Directing the Department of Health and Human Services To Allow Spouses To Provide Home and Community-based Services to Eligible MaineCare Members
(H.P. 70) (L.D. 84)
(C. "A" H-135)
Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Nursing Facilities
(H.P. 396) (L.D. 539)
(C. "A" H-131)
Resolve, Directing the Department of Education To Study and Develop an Online Learning Platform for Students and Educators
(H.P. 420) (L.D. 576)
(C. "A" H-125)
Resolve, Directing the Department of Education To Study and Make Recommendations Relating to School Safety and Security
(H.P. 632) (L.D. 858)
(C. "A" H-128)
Resolve, Directing the Department of Education To Develop a Model School Disciplinary Policy
(H.P. 752) (L.D. 1010)
(C. "A" H-129)

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, Tuesday, April 30, 2019, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass** - Minority (1) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Recognize Employee Background Checks Conducted for Out-of-state Schools Eligible for Maine Tuition Assistance" (EMERGENCY)

(H.P. 297) (L.D. 388)

TABLED - March 7, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative KORNFIELD of Bangor moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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 ACKLEY of Monmouth **PRESENTED House Amendment "A" (H-189)**, which was **READ** by the Clerk and **ADOPTED.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-189)**, and sent for concurrence.

Bill "An Act To Improve Access to Property Tax Exemptions for New Homeowners"

(H.P. 404) (L.D. 560)

- In House, Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77)** on April 11, 2019.

- In Senate, Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE.**

TABLED - April 25, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **FURTHER CONSIDERATION.**

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

Representative GROHOSKI of Ellsworth **PRESENTED House Amendment "A" (H-194)** to **Committee Amendment "A" (H-77)**, which was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (H-77) as Amended by House Amendment "A" (H-194) thereto was **ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-77) as Amended by House Amendment "A" (H-194)** thereto in **NON-CONCURRENCE** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-20)** - Minority (3) **Ought Not to Pass** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Increase the Handling Fee for Beverage Containers Reimbursed to Redemption Centers"

(S.P. 60) (L.D. 248)

In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-20) AS AMENDED BY SENATE AMENDMENT "A" (S-56)** thereto.

TABLED - April 30, 2019 (Till Later Today) by Representative TUCKER of Brunswick.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-S-20)** was **READ**.

Senate Amendment "A" (S-56) to Committee Amendment "A" (S-20), was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-20) as Amended by Senate Amendment "A" (S-56) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-20) as Amended by Senate Amendment "A" (S-56)** in concurrence.

Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 205) (L.D. 281)

(C. "A" H-121)

TABLED - April 30, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **FINAL PASSAGE**.

Subsequently, on motion of Representative DILLINGHAM of Oxford, **TABLED** pending **FINAL PASSAGE** and later today assigned.

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

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

SENATE PAPERS

The following Joint Order: (S.P. 548)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, May 7, 2019 at 10:00 in the Morning.

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

READ and **PASSED** in concurrence.

Bill "An Act Regarding Building Codes"

(S.P. 549) (L.D. 1675)

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 Establish the Maine Climate Change Council To Assist Maine To Mitigate, Prepare for and Adapt to Climate Change"

(S.P. 550) (L.D. 1679)

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 Prohibit Prescription Drug Advertising"

(S.P. 544) (L.D. 1673)

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 Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program"

(S.P. 545) (L.D. 1674)

Came from the Senate, **REFERRED** to the Committee on **LABOR AND HOUSING** and ordered printed.

REFERRED to the Committee on **LABOR AND HOUSING** in concurrence.

Bill "An Act To Authorize Auxiliary Liquor Licenses for the Consumption of Alcoholic Beverages within Designated Entertainment Districts"

(S.P. 551) (L.D. 1680)

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

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

The following Joint Resolution: (S.P. 546)
JOINT RESOLUTION COMMEMORATING YOM HASHOAH, THE DAY OF REMEMBRANCE, May 2, 2019

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered as victims of Nazism, such as the handicapped, political dissidents and many others for racial, ethnic or national reasons; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated, and the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have

experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 28, 2019 to May 5, 2019 as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, May 2, 2019; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration, marking 74 years since the end of World War II and the liberation of the Nazi concentration and death camps; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust and in honor of the survivors, rescuers and liberators; that We urge one and all to recommit themselves to the lessons of the Holocaust through the week of commemoration; and that We express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

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

READ.

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

Representative **TEPLER**: Thank you, Madam Speaker. Men and Women of the House, today is Yom HaShoah.

The SPEAKER: The Representative will defer. It doesn't matter whose beeping it is, but can whoever's beeping it is make sure that we do not continue it? Okay, okay. My apologies. The Representative may proceed.

Representative **TEPLER**: Thank you, Madam Speaker. Thank you. Today -- Men and Women of the House, today is Yom HaShoah, the Day of the Remembrance of the Holocaust, and I am here today to stand to remember my relatives who died in the Holocaust but also to remind us all that the memory of those who passed in the Holocaust is made more holy and more special in our fight against genocide in general.

So, today, I will remind you of the ongoing genocide against the Rohingya Muslims in Myanmar. I will remind you of the ongoing genocidal actions against the Tutsi in Rwanda and in Burundi. I will remind you of the ongoing genocide against Muslims in Bosnia. I will remind you of other ongoing genocidal actions in East Africa, in Darfur and the Sudan. And I hope that you will join me in always trying to remember and speak out when people are being targeted and killed because of who they are, because of how they were born. Thank you very much and please remember the six million today.

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

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

On motion of the Entire House of Representatives, the House adjourned at 12:29 p.m., until 10:00 a.m., Tuesday, May 7, 2019, pursuant to the Joint Order (S.P. 548) and in honor and lasting tribute to Fernand Ferdinand Corriveau, of Gilead, Norman A. "Bud" Dakin, Jr., of Addison, and the Honorable Dale J. Denno, of Cumberland.