ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
SECOND REGULAR SESSION
14th Legislative Day
Thursday, February 20, 2014

Representative CHASE of Wells assumed the Chair.

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

Prayer by Father David Cote, St. Peter Chanel Parish, Van Buren.

Colors presented by Loring Job Corps Center Honor Guard, Limestone.

National Anthem by Cassandra Johnson, Limestone.

Pledge of Allegiance.

Doctor of the day, Sydney Sewall, M.D., Hallowell.

The Journal of Tuesday, February 18, 2014 was read and approved.

SENATE PAPERS

Bill "An Act To Make Consistent the Sales and Use Tax Imposed on Various Fuels Used To Heat Buildings for Human Habitation"

(S.P. 711) (L.D. 1785)

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

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

COMMUNICATIONS

The Following Communication: (H.P. 1277)

TOWN OF SCARBOROUGH, MAINE
US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE 04070-0360
RESOLUTION 14-02
Urging the Maine State Legislature
to Provide and Enable Property Tax Relief Programs

BE IT RESOLVED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that,

WHEREAS, in 1987 the so-called "Circuit Breaker" program was established as a way to provide relief for property taxpayers; and,

WHEREAS, with the enactment of the state budget in 2013 (PL 2013, chapter 368, Par L), the 126th Legislature terminated the Circuit Breaker program and installed the Property Tax Fairness Income Tax Credit, which impose more restrictive income requirements and significantly limited the maximum rebate; and,

WHEREAS, the more stringent requirements of the new Property Tax Fairness Tax Credit are likely to limit the number of Maine residents eligible for the credit and thereby significantly reduce the amount of property tax relief provided; and,

WHEREAS, in addition to the sweeping changes to the program, Part L of the state budget enacted in 2013 inadvertently removed the authority for municipalities to sponsor local property tax relief programs; and,

WHEREAS, LD 1607, An Act To Reinstate Statutory Authority for Local Property Tax Assistance Programs, was drafted to correct the error and provide the authority for local property tax relief programs and is pending in the current legislative session; and,

WHEREAS, in view of the significant reductions in revenue to municipalities that have occurred or are pending action by this Legislature (cuts to municipal revenue sharing), which result in increases in local property taxes, the changes to the Circuit Breaker program only further burdens the taxpayers of Scarborough.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council in Town Council assembled as follows:

THAT, it is of critical importance that the Legislature reconsider and create a structure similar to the former Circuit Breaker program, that targets a similar population of Maine property taxpayers; and,

THAT, it is essential that municipalities be granted the authority to operate locally funded property tax relief programs at their discretion; and,

THAT, the Town Council urges the local Legislative delegation to support the reinstatement of a state operated and funded property tax relief program similar to the former Circuit Breaker program and provide full support to the adoption of LD 1607.

Signed and dated this 12th day of February 2014, on behalf of the Scarborough Town Council and the Town Manger of Scarborough, Maine.

S/Richard J. Sullivan, Jr.
Council Chair
Attested by:
S/Yolande P. Justice
Town Clerk

READ and **REFERRED** to the Committee on **TAXATION**.

Sent for concurrence.

The Following Communication: (H.C. 357)

STATE OF MAINE
126TH MAINE LEGISLATURE

January 22, 2014
Chief Justice Leigh I. Saufley
Maine Supreme Judicial Court
Cumberland County Courthouse
205 Newbury Street, Room 139
Portland, Maine 04101
Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 126th Maine Legislature on Tuesday, February 25, 2014 at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,
S/Justin L. Alfond
President of the Senate
S/Mark W. Eves
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 358)

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

February 20, 2014
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On February 14, 2014

Neil G. Piper of Gorham for appointment to the Land for Maine's Future Board.

Pursuant to Title 5, MRSA, §6204, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.
Stanley K. Millay of Appleton for appointment to the Maine Milk Commission.
Pursuant to Title 7, MRSA, §2952, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.
Richard E. Stevenson, Jr. of Bath for reappointment to the Board of Pesticides Control.
Pursuant to Title 22, MRSA, §1471-B, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.
Carleton L. Barnes, Jr. of Calais for reappointment to the State Board of Corrections.
Pursuant to Title 34-A, MRSA, §1802, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Criminal Justice and Public Safety.
Lenora Burke of Brunswick
Scott C. Dunning of Hampden and
Honorable Kenneth C. Fletcher of Winslow for appointment to the Efficiency Maine Trust Board.
Pursuant to Title 35-A, MRSA, §10103, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.
Sincerely,
S/Mark W. Eves
Speaker of the House

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

The Following Communication: (H.C. 359)

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

February 20, 2014
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Eves:
Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bills out "Ought Not to Pass:"
Education and Cultural Affairs

L.D. 1630	An Act To Increase Transparency of Administration Costs within the University of Maine System
L.D. 1684	An Act Regarding Eligibility of Children Placed in Guardianship for the School Lunch and Milk Program

The sponsors and cosponsors have been notified of the Committee's action.
Sincerely,
S/Millicent M. MacFarland
Clerk of House

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

The Following Communication: (S.C. 749)

MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY

February 18, 2014
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Eves:
In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 126th 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 nomination of Joan P. Toy of Bath for reappointment to the School Board of the Governor Baxter School for the Deaf.
Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Jason R. White of Rockland for reappointment to the School Board of the Governor Baxter School for the Deaf.
Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Diane M. St. Lawrence of New Portland for reappointment to the School Board of the Governor Baxter School for the Deaf.
Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Frederick M. Woodman, Jr. of Lincoln for reappointment to the Maine School of Science and Mathematics, Board of Trustees.
Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Alyssa M. Wardwell of Limerick for appointment to the State Board of Education.
Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of James E. Rier, Jr. of Topsham for appointment as the Commissioner of the Department of Education.
Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Robert D. Somerville of Spring, Texas for reappointment to the Maine Maritime Academy, Board of Trustees.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Rollie Heckethorn of Auburn for reappointment to the Maine Rural Development Authority.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Bruce E. Wagner of North Yarmouth for appointment as the Chief Executive Officer, Finance Authority of Maine.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Gregory E. Miller of Old Town for appointment to the Finance Authority of Maine.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Jonathan A. Block, Esq. of Portland for appointment to the Finance Authority of Maine.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of James G. Howard of Topsham for appointment to the Finance Authority of Maine.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of James P. Violette, Jr. of Waterville for appointment to the Finance Authority of Maine.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Reis Hagerman of Standish for reappointment to the Finance Authority of Maine.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Rosaire Pelletier of Madawaska for reappointment to the Finance Authority of Maine.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Barbara Campbell Harvey of Portland for reappointment to the Maine Educational Loan Authority.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Cole R. Palmer of Phippsburg for appointment to the Maine Rural Development Authority, Board of Trustees.
Upon the recommendation of the Committee on State and Local Government, the nomination of Tracy B. Bigney of Bangor for reappointment to the State Civil Service Appeals Board.
Upon the recommendation of the Committee on State and Local Government, the nomination of Abigail C. Yacoben of West Bath for reappointment to the State Civil Service Appeals Board.
Upon the recommendation of the Committee on Taxation, the nomination of Honorable Richard A. Nass of Acton for reappointment to the Maine Board of Tax Appeals.
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 Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production"

(H.P. 1278) (L.D. 1786)

Sponsored by Representative NOON of Sanford.
Cosponsored by Senator TUTTLE of York and Representatives: BLACK of Wilton, CRAY of Palmyra, DILL of Old Town, MASTRACCIO of Sanford, Senators: BOYLE of Cumberland, JACKSON of Aroostook, PATRICK of Oxford, VITELLI of Sagadahoc.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

Pursuant to Statute
Criminal Law Advisory Commission

Representative THERIAULT for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Clarify the Enforcement Provisions Relating to Motor Carrier Registration"

(H.P. 1279) (L.D. 1787)

Be **REFERRED** to the Committee on **TRANSPORTATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative RANKIN of Hiram, the following House Order: (H.O. 38)

ORDERED, that Representative Mark N. Dion of Portland be excused February 6 and 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter Doak of Columbia Falls be excused February 13 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Erin D. Herbig of Belfast be excused February 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter A. Kumiega III of Deer Isle be excused February 4 and 6 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Sharon Anglin Treat of Hallowell be excused February 11 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Stephen J. Wood of Sabattus be excused February 13 for personal reasons.

READ and **PASSED**.

REPORTS OF COMMITTEE
Refer to the Committee on Energy, Utilities and Technology Pursuant to Resolve

Report of the **Joint Standing Committee on Energy, Utilities and Technology** on Bill "An Act To Reform Regulation of Consumer-owned Water Utilities"

(S.P. 710) (L.D. 1784)

Reporting that it be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** pursuant to Resolve 2013, chapter 47, section 1.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

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

Change of Committee

Representative MacDONALD from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Gambling and Criminal History Record Checks"

(H.P. 1204) (L.D. 1681)

Reporting that it be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Sent for concurrence.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Protect Religious Freedom"

(S.P. 514) (L.D. 1428)

Signed:
Senators:
VALENTINO of York
TUTTLE of York

Representatives:
PRIEST of Brunswick
BEAULIEU of Auburn
DeCHANT of Bath
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
MORIARTY of Cumberland
VILLA of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-390)** on same Bill.

Signed:
Senator:
BURNS of Washington

Representatives:
CROCKETT of Bethel
GUERIN of Glenburn
PEAVEY HASKELL of Milford

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

READ.

Representative PRIEST of Brunswick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Fellow Representatives. In spite of the majority of the Judiciary Committee, I am opposed to this bill. The bill, of course, is a religious freedom bill. That's the title. The vote was 9-4, Ought Not to Pass. Let's get into the bill a little bit and perhaps I can make it clear why the majority opposed the bill. The bill purports to enact a federal statute, the so-called Religious Freedom Restoration Act of 1993, which is a federal statute and it purports to enact a great deal of that into Maine law. Now, note that we've been living without this law for almost 20 years. We have a highly successful Human Rights Act which fully protects against discrimination on account of religion. The proposed bill says that the government may not substantially burden a person's exercise of religion unless the government demonstrates that applying the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. Not that you had a compelling interest, but there is nothing better that you could possibly do. It further says that the person who holds that his or hers exercise of religion has been burdened or is substantially likely to be burdened, that is it doesn't have to be burdened now but it might be burdened in the future, can get judicial relief against the government, the state and municipality, including compensatory damages and attorney's fees.

Now, how does the bill define the exercise of religion? The bill says it's the ability to act or refuse to act in a manner substantially motivated by a person's sincerely held religious belief, whether or not the exercise of religion is compulsory or central to a larger system of religious belief. This is important. It doesn't mean that you have to belong to a widely recognized religion. You can belong to a religion that is yours alone and as long as you sincerely believe it, then all of the sudden the burden shifts to the government to show that there's a reason why there is a compelling reason not to allow you to have your religious belief, no matter what that is, no matter what it is. How do you prove whether it's sincere or not? You prove it by sworn testimony. Now, the testimony before the Judiciary Committee in support of this bill did not mention any state violation of a person's religious belief, which necessitated the bill. The practices, which were objected to, were either practices by employers, by some teachers in some classrooms, or by the ACLU. Nowhere did anyone say that a complaint was filed because of these situations with the Maine Human Rights Commission, which again protects against discrimination on account of religion. Maine has a carefully worked out Human Rights Act which prohibits discrimination on account of religion and housing, public accommodations and employment. No one testified that this was not working. No one testified that the laws prohibiting discrimination, again which we have beyond the Human Rights Act, said these laws were not working.

In sum, the majority felt that the bill is simply not needed. As well, we don't know how the bill would work. With the lure of attorney's fees, paid by the state or municipality, there will certainly be litigation if it is enacted. What's going to be the cost of this litigation? We don't know. The fiscal note is vague, but states, "This bill may result in additional litigation including compensatory damages and attorney's fees." It also said the amount required cannot be estimated at this time. As well, again, note that the religious freedom that this bill seeks to protect need not be compulsory or central to a larger system of religious belief. A religion of one person is entitled to the same protection as anybody else's religious belief. There can be thousands of religions involved here, each of which can be the subject of litigation and a state or municipal payout. Employers in schools and towns will be in constant need of legal advice, even before the first litigation, thus the Maine Municipal Association and the Maine School Management Association opposed the bill. There was also grave concern that this bill will undo many of Maine's laws against discrimination in the name of religious exercise. As we know, this federal act is now before the U.S. Supreme Court on the issue of health insurance and contraception. Do employers have to pay for contraception for their employees if they do not believe in contraception? Do we know what the answer to that is? No. We don't know what the Supreme Court is going to do in this situation. If we enact a similar law here, courts are certainly going to look to whatever the Supreme Court decides, and again, we just don't know what they're going to decide. In sum, this bill is unnecessary. It's unclear in many parts. It would lead to widespread litigation affecting employers, schools, towns and the state, and would result in unpredictable payouts of compensation and attorney's fees from the town and the state budgets. Finally, it poses a danger to Maine's carefully constructed human rights laws and antidiscrimination statutes. I therefore ask you to support the 9-4, Ought Not to Pass Report. Thank you, Mr. Speaker.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Ever since the good Senator from Washington County told me about this bill, there has only been one thing in my head and I can't get it out. It's a speech from a pastor back in 1946 and it explains why I rise in opposition to the pending motion. "First they came for the socialists and I did not speak out – because I was not a socialist. Then they came for the trade unionists and I did not speak out – because I was not a trade unionist. Then they came for the Jews and I did not speak out – because I was not a Jew. Then they came for me – and there was no one left to speak for me." Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. As Mainers, as New Englanders, the words religious freedom have a deep and resounding meaning for us. To a person, I think we all understand that the prime motive for the founding of the New England colonies was religious freedom. For some of us, whose ancestors were immigrants or even refugees to this free country (in my case, my orphaned grandparents who escaped religious persecution and death), I can tell you – religious freedom feels deeply personal and recent.

So, why then, do I rise in opposition to this bill? Well, first, it is because of how we live and practice religion in Maine today. We have Religious Freedom. In fact, religious freedom in Maine today is far greater than it was in our founding days, when intolerant Puritan laws assumed that citizens who strayed away from conventional religious customs were a threat. Also, we protect religious freedoms in Maine today. The Maine Human Rights Act accomplishes this, enabling us to worship as we wish, but to do so without harming another's rights.

Second, it is because of the other effects of this bill. In Maine, we do have protections for a person's religious freedoms. We also have protections for persons based on their race, their color, their sex, their sexual identity and orientation, physical and mental disabilities, national origin and even age. This bill would undermine some of those rights, so I ask you to imagine this for a moment: A woman who conceives a child with her fiancée several weeks before she is married is fired from her teaching job because of her employers' religious beliefs. No, you say – that is not what this bill intends. In fact, this is what this bill would allow and it is what happened in the State of Florida after the State of Florida enacted similar legislation.

How about this? A woman is raped and abused repeatedly by her husband. When she tries to assert her rights as a human being who should be safe from violence, she finds her husband cannot be prosecuted under the state's Domestic Violence Laws. Why, because he claims he has the religious right to abuse his wife. That actually happened in the State of New Jersey after similar legislation was passed. It was fortunately reversed on appeal. I don't believe that a single one of us, here, intend consequences like this when we think of the concept of religious freedom. Please let's join together and recognize that religious freedom exists already in Maine and this bill does not need to be passed. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Moriarty.

Representative **MORIARTY**: Thank you, Mr. Speaker. Good morning, Fellow Members of the House. I rise in support of the motion and as a member of the Judiciary Committee which considered it at length. I would begin by saying that we have three major protections for religious freedom in this country. The first and foremost, of course, being the First Amendment to the U.S. Constitution, which protects the free exercise of religion. It has been held on multiple occasions by the U.S. Supreme Court and by our own Supreme Court that the First Amendment applies in full to the states and not just to the federal government. The second major layer of protection is that provided by our own state constitution, which in much more expansive language than the federal constitution, guarantees the free exercise, and it reads, in part, "…no person shall be hurt, molested or restrained in that person's liberty or estate for worshipping God in the manner and season most agreeable to the dictates of that person's own conscience, nor for that person's religious professions or sentiments…." Again, that's our state constitution guaranteeing the full free exercise of religion.

The Maine Supreme Court, in 1988, articulated a test or a standard when one challenges whether one's free exercise has been infringed upon by the state. In the 26 years since 1988, that same standard has been affirmed in four subsequent decisions of the court, the most recent coming in the year 2006. If you will bear with me, because the formulation is only two sentences long, I will read it to you and it comes from the case *Anderson v. Town of Durham* in the year 2006. "The party challenging a statute on free exercise grounds must initially demonstrate that: (1) the activity burdened by the regulation is motivated by a sincerely held religious belief; and (2) the challenged regulation restrains the free exercise of that religious belief. If the challenger meets that initial burden, the burden shifts, and the State can prevail only by [showing] that (1) the challenged regulation is motivated by a compelling state interest, and (2) no less restrictive means can adequately achieve that compelling state interest." This is our local state standard. It is, in many respects, more lenient, if you will, than the proposed language of the bill. It does not require, for example, a substantial burden upon the free exercise of religion. It only requires a burden or a restraint of some type, and if the aggrieved person succeeds in establishing a burden or a restraint, then the overall burden of proof, as lawyers like to say, shifts to the state and the state must then show, by a very high standard of proof, that, again, there is a compelling state interest in support of the proposed statute or the ordinance or whatever the case might be and that there are no other less restrictive means of addressing society's needs. The bottom line is we have adequate protection already based upon the federal and state constitutions and the decisions of the Maine Supreme Court, which have uniformly, over the past 26 years, upheld this standard, which guarantees our free exercise and provides a method by which an alleged violation can be successfully addressed in the court system. Therefore, in my judgment, the bill is unnecessary, duplicative and need not be passed, and will not achieve any greater degree of free exercise of religious freedom than we currently enjoy now and have in fact enjoyed for decades. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in front of you in support of the current motion. This bill is not unique. Bills just like this one have popped up in states across the country that have won the freedom to marry or states that are on the cusp of winning the freedom to marry. Let's be clear. Religious liberty isn't at stake today if it doesn't pass, but only if this bill does pass. As a person of faith, my religious liberties are not threatened by Maine's Human Rights Act or its marriage laws. In fact, my religious liberties are enhanced by legislation that extends equal protections and freedoms to more Maine people. This is a direct response to the law that gave me the ability to marry my husband

just this past summer, a referendum that the people of Maine approved. However, it does not impact the issue of marriage equality, as much as it does undermine a fundamental notion in civil society that everyone deserves to be treated equally in housing, education, employment and other areas.

This bill fundamentally undermines the Maine Human Rights Act, a law designed to prevent someone from discriminating against another person in this state. This bill would give employers, health care providers, educators, businesses and other people the ability to discriminate against anyone if it violates their religious beliefs. If someone doesn't want a person of color entering their bakery, they can say so under this law. If a person doesn't want to perform a medical procedure based on religious grounds, they are free to object under this law. If a business owner doesn't want to hire someone because they are gay or lesbian, they are free to not hire that person for just that reason under this law. When one enters the public sphere in business, education, housing and other areas, we enter into a social compact, a social compact where we say that, collectively, discrimination is not permitted. Furthermore, this legislation, if passed, would result in hundreds, if not thousands, of court cases before courts that are already overburdened and subject the state to potentially millions of dollars in compensatory damages.

Mainers have spoken. We don't want to live in a state where discrimination is accepted and so we have the Maine Human Rights Act. You'll hear that this is a reasonable compromise. A reasonable compromise to a nonexistent made-up problem is not good public policy. It's a visceral reaction to the freedom to marry we won two years ago and a sneaky attempt to undermine the Maine Human Rights Act. The idea that we don't discriminate against people because of who they are, what they look like, where they come from, or who or what they worship is a cornerstone of civil society, a symbol of how far we've come as human beings, that we treat people equally and fairly. Mr. Speaker, I look forward to the day when we don't have to keep off fending challenges to the idea that everyone deserves to be treated equally. I urge you to support the current motion.

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

Representative **MOONEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'm on the Judiciary Committee and we spent a lot of time on this bill and it was a very long public hearing with lots of people turning out to testify on it. Some of the folks that we heard from against this bill include the ACLU of Maine, the Maine Choice Coalition, the Maine Coalition Against Sexual Assault, the Maine Coalition to End Domestic Violence, the Maine Education Association, the Maine Medical Association, the Maine School Management Association, the Maine State Employees Association, the Maine Women's Lobby, the Religious Coalition Against Discrimination, as well as our state's Attorney General and our Human Rights Commission. All of those folks highlighted the fact that this bill would have the consequence, perhaps an unintended consequence, of undermining the Maine Human Rights Act. I want to thank the Representative from Bethel, Representative Crockett, because when, after hearing all of that testimony, he offered a good faith amendment to address that problem that would have clarified that nothing in this bill could be construed as an exemption to the Maine Human Rights Act. At first, the sponsor of the bill agreed to that amendment and wanted that language included so that the Human Rights Act would not be affected by this bill, but when the bill came back for language review, the sponsor had changed his mind and took that language out. Although it may have initially been an unintended consequence to undermine the Maine Human Rights Act by taking that language out, it actually, in the end, became a deliberate and intentional consequence to undermine the Human Rights Act.

So why would anyone want to undermine the Human Rights Act? The law was written to prevent discrimination in employment, housing, public accommodation, credit and education on account of age, race, color, sex, physical or mental disability, religion, ancestry or national origin. If anyone feels they have been discriminated on the basis of any of those factors, including religious belief, they can file a claim with the Human Rights Commission. None of those have been particularly controversial. But there is one other protected class that I didn't mention under the Maine Human Rights Act that we have been fighting about in this state for nearly 40 years and that's the class of sexual orientation. This issue has been debated, bill after bill, year after year, in this building for almost 40 years. But, finally, the issue was settled by the voters in a statewide referendum in 2005. The voters, by a big margin, decided that the nondiscrimination law should include sexual orientation as a protected class. This so-called religious freedom bill comes directly from the Christian Civic League of Maine. It is an attempt to undermine the will of the people by providing an exemption that would allow people to use their faith as an excuse to discriminate against gay and lesbian people in direct conflict with the Human Rights Act. I am a member of the Youth Caucus in this Legislature and for young people this is a non-issue. For us, it is common sense that people shouldn't be treated differently because of their sexual orientation. I know that this fight will continue across the country. Many states still do not have a human rights law that covers sexual orientation. I wish them good luck in passing that. But, in Maine, our voters settled this at the ballot box. We have plenty of other things to fight about – budgets, tax policy, health care, and on and on. We don't need to keep fighting about this. Please vote to end the war on gay people in this state. Please vote to respect the will of the voters. Please uphold the Maine Human Rights Act by voting Ought Not to Pass. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the Majority Ought Not to Pass Report. I'm also rising as a member of the Judiciary Committee in which we heard this carryover bill and when it first came before us, I came to it with a very open mind. I spoke to the sponsor who was a member of our committee to get a better understanding of his intention and as I listened, as all of our members of the committee did, it became evident to me, as more and more people testified, I was listening specifically for examples of violations that were happening in the State of Maine. As people brought forth some examples of how they felt their religious freedom was being compromised, I found it increasingly interesting at the end of the hearing when the ACLU and the Maine Human Rights Commission acknowledged that these were compromises on the religious freedom, but also acknowledged at the same time that there were services and resources available to these individuals to seek justice that already exists within the state law. I thought that that was a resounding indicator to me, not to negate that some folks had felt that they had been compromised, but also to shine light that there is also resources available, currently, within Maine statute and resources, to be able to have those rights protected. I also heard, during our hearing, from a woman from Bath who stated that worshiping Jesus was every part of her being of what she does and how she approaches everything throughout the day. That was actually a very resounding statement as well because I celebrate her right and her

experience in experiencing religion and how she determines is appropriate, because, in the State of Maine, I believe that it's important that we do have religious freedom and I believe that this bill would then help compromise that. I encourage an Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Willette.

Representative **WILLETTE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. LD 1428 is a straightforward bill. It merely requires that any governmental action infringing upon a person's free exercise of religion must further a compelling governmental interest and be accomplished in the least restrictive way possible. Or, as President Bill Clinton explained in 1993 when he signed the legislation on which LD 1428 is based, "...this law basically says...that the Government should be held to a very high level of proof before it interferes with someone's free exercise of religion."

LD 1428 is that simple. It does not create any new rights. It does not, as the bill's opponents suggest, allow religious people to get away with anything they want. It does not guarantee religious claimants victory in conflicts against government action. And it does not implement an unknown, previously-untested standard for government action in the area of religious liberty.

Instead, LD 1428 simply requires the government to have strong justification for infringing upon the free exercise of religion – which is exactly the kind of restriction governments should have when they are dealing with our fundamental rights. Let me repeat that: LD 1428 provides the kind of restriction that governments should have when they are dealing with fundamental rights. It should be difficult for the government to infringe upon religious liberty in the same way that it should be difficult for the government to infringe on any fundamental right.

Unfortunately, opponents of this bill have muddied the discussion surrounding this bill with talks of sinister motivations and imagined hypotheticals. They say that this law would somehow allow all sorts of harmful or dangerous religious practices to occur in Maine; it would somehow "open a Pandora's box of unimagined problems."

This argument ignores the fact, however, that LD 1428 does not allow religious people to get away with whatever they want; it does not guarantee any outcome in any case involving a religious claimant; and it does not arm anyone with a religious trump card. Instead, LD 1428 provides a mere balancing test between governmental interests and the free exercise of religion. It simply requires the government to seriously consider religious interests and have strong justification before infringing upon a fundamental right. But it does not say that the government must roll over and play dead any time a citizen makes a claim on religious grounds. Furthermore, it is absurd to argue the government would not have a compelling interest in preventing the kinds of dangers LD 1428's opponents theorize will happen.

Additionally, arguing that LD 1428 opens a Pandora's Box of dangers blatantly disregards history. Let me remind you that LD 1428 does not attempt to navigate unchartered waters by implementing an unknown, untested standard for religious liberty. Eighteen other states and our federal government have this standard and these problems have not occurred. Rhode Island and Connecticut, for example, have had their own RFRAs since 1993 and there is no record of the governments in those states being forced to allow dangerous practices. Furthermore, the U.S. Supreme Court applied the compelling interest test in religious exercise cases for almost thirty years prior to Smith and in the years since 1993 and that application has not resulted in all kinds of dangerous activities.

It has also not resulted in a tidal wave of litigation, as opponents like to argue. The Maine Attorney General, for example, says in written testimony on LD 1428, "I anticipate a plethora of court cases, criminal, civil and administrative, in which individuals assert a 'religious expression' defense should this bill become law." Again, this argument disregards the historical record. In the more than 20 years where RFRAs have passed in 18 other states, there have been 147 cases total. That's less than eight cases per year nationwide. That is hardly a "plethora" of cases. Additionally, there is little need to "anticipate" or guess what kind of effects LD 1428 will have on legal systems, as the lengthy historical record already tells us. Furthermore, since LD 1428 simply codifies existing Maine case law, it merely preserves the status quo. It therefore will not give rise to any increase in litigation.

Again, LD 1428 is a straightforward bill that merely requires the government to seriously weigh the religious liberty interests of its citizens. It will not give way to the parade of horrible activities suggested by its opponents. Therefore, I urge all of you today to vote in favor of LD 1428 and against the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Opponents of LD 1428 have criticized it and in listening to this criticism, it seems to me, they focused on two primary condemnations, Mr. Speaker, the lack of need for this bill due to current Maine law and the potential it creates for ramped law-breaking by religious people. First of all, I'd like to point out that both of these criticisms really can't be true at the same time. If this bill is unnecessary because people of Maine already have the same protections for their religious liberty, then ramped law-breaking by religious people would already be occurring in Maine. This, of course, is not happening. The fact is that LD 1428 is necessary to sufficiently protect religious freedom and it will not lead to ramped law-breaking on religious grounds. Normally, it leads in explosion of litigation. This is abundantly evident as one examines what has occurred, and I think it's been said already, in 18 states that already have this legislation. So I'd like to call my colleague's attention to another law which was recently passed in Maine, it's been referred to a little bit already, Mr. Speaker, and that's LD 1237, An Act to Prohibit Bullying in Schools. Just like 1428, the bullying bill was criticized for not being necessary and it was accused of potentially increasing litigation. Despite being opposed by organizations such as Maine School Management Association, this bill eventually succeeded.

In applauding the passage of legislation, the American Civil Liberties Union of Maine made two interesting remarks that I think are relevant today. In their blog posted May 17, 2012, the ACLU noted that anti-bullying law improved on existing Maine law by providing a clear definition of bullying, and that is struck an appropriate balance that protects student safety and freedom of speech. This is the essence of 1428, just like the anti-bullying legislation. Like 1428 improves on Maine law by providing a clear and consistent standard by which to judge the free exercise of religion while also providing an appropriate balance between governmental interests in the fundamental right to free religion in the state. I just want to add to that, Mr. Speaker, that when that bullying bill was in front of the Education Committee, I ended up being one of the biggest opponents of it and it was because of religious freedom, and I was able, in the long-run, to work with the ACLU and some of the other groups to educate each other and we eventually crafted a piece of legislation that passed with, I

think, pretty strong support. I think, Mr. Speaker, some people here would actually argue that we don't need to have freedom of religion, and I think freedom of religion, Mr. Speaker, is the basis that this country started on and people that might not agree with that should go down to Boston, Philadelphia, Washington and New York and look at the buildings where all kinds of religious verses and God is posted on the building. It was important in the founding of this country and people will say, "Well, we have the protection, Mr. Speaker." I'm not sure that's true and I don't know about everybody else here, what websites and what newspapers you read, but I am reading more and more and I can use our military as a point. There is seeming to be a lot of religious discrimination beginning in the military. I think another example, Mr. Speaker, is the Sisters of the Poor are being sued by our federal government because they're not including contraceptives in their insurance plan. I was amazed first that there actually was a Sisters of the Poor, but that they are being sued for that just floors me.

I'll close, Mr. Speaker, with just a couple things. I got some literature on my desk today telling me what the people in my town voted for. I was surprised no one claims responsibility for it. I didn't know you could do that. So someone kind of sent me a note, kind of threatening me, with no credit to it. Secondly, Mr. Speaker, I'll add that last night a constituent called me and we went back and forth. She was trying to convince me to change my vote. She chose to send me talking points of the opposition on this. I guess I'm really disappointed because I worked with these groups on the anti-bullying bill and I think the sponsor was very compassionate and really wanted to do the right thing. I thought these groups did as well. As I look at the talking points that they used to support the bullying bill, they flipped it to not support this bill. To me, that's kind of a character issue. Mr. Speaker, I'll close. I'll just say that I'm really disappointed in that and I guess I'll stop there. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you, Mr. Speaker. Mr. Speaker, Colleagues of the Maine House of Representatives. I rise today to oppose this motion and to support LD 1428. I know and have known the bill's sponsor for 43 years. I don't know how that could pass, Mr. Speaker. Perhaps it's telling both our ages. He and I joined the Maine State Police here in Augusta on September 20, 1971, and I have never known a person who was more honest, more decent than Senator Burns. I know that he listened carefully to many questions and concerns about the original wording of this bill and I know that he set aside a lot of the things that were being said and he brought forth an amended version which was much better. And because of that action I know and am convinced that the input from both Democrats and Republicans helped make this a much better proposal, and, in my opinion, the result and a good result is a Minority Report from the Judiciary Committee. I urge my colleagues to support LD 1428. I do not believe it reflects any partisan bias or agenda. I don't believe that it hinders or limits the rights of any Maine citizen. I believe it only helped to preserve and protect one of our most basic rights as Americans and the citizens of Maine. I believe that those who wrongly suggest this bill targets a particular group or seeks to undermine recent changes in the law need only to read the bill. I ask my fellow Representatives to read the bill instead of the emails from opposition groups.

Mr. Speaker, the right of religious freedom was recently emphasized by our President. Now, sir, you won't find me agreeing with our President very often. That's probably no surprise. We don't agree often, but I do here with him and I hope that his words will show how this is a truly nonpartisan issue. He said, "Now, here, as Americans, we affirm the freedoms endowed by our Creator, among them freedom of religion. And, yes, this freedom safeguards religion, allowing us to flourish as one of the most religious countries on Earth, but it works the other way, too – because religion strengthens America. Brave men and women of faith have challenged our conscience and brought us closer to our founding ideals, from the abolition of slavery to civil rights, [to] workers' rights." Then he goes on: "Today, we profess the principles we know to be true. We believe that each of us is 'wonderfully made' in the image of God. We, therefore, believe in the inherent dignity of every human being – dignity that no earthly power can take away. And central to that dignity is [the] freedom of religion – the right of every person to practice their faith [as] they choose, to change their faith if they choose, or to practice no faith at all, and to do this free from persecution and fear." "So history shows," Mr. Speaker, "that nations that uphold the rights of their people – including the freedom of religion – are ultimately more just and more peaceful and more successful. Nations that do not uphold these rights sow the bitter seeds of instability and violence and extremism. So freedom of religion matters to our national security. Let's do more together to advance human rights, including [freedom of religion]." Those words were by President Barack Obama at the National Prayer Breakfast in Washington, D.C., February 6, 2014, two weeks ago today.

Freedom of religion, any or no religion is a fundamental right that has been recognized since the founding of our country and of our state. I urge you to set aside the rhetoric and the misinformation from those who major in these kinds of tactics and demeaning of others. Don't vote based on fears and falsehood but on the simple content of this bill. I know there has been much discussion in the public, in the news, in the editorials about this bill. Some have offered criticism. Some have offered support. I would like to address one criticism I came across which is the accusation that LD 1428 would allow religious people to use this law as a means to trample on the rights of others. This is not the case. As some have testified, LD 1428 does not guarantee religious people will be victorious in contests against the government, even where civil rights are concerned. This bill simply provides the government with a balance and test between religious liberty interests and compelling government interests. It will make sure the government gives religious liberty the proper consideration it deserves, but it does not make religious liberty a trump pad. In short, this bill provides religious Mainers with a shield, not a weapon. I believe that religious liberty should be valued in the same way that our Founding Fathers valued religious liberty. As Thomas Jefferson said, in 1809, "No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of civil authority." These are the reasons why I support this bill, as it will provide protection for such a dear right. I stand with patriotic citizens and our Founders, like Thomas Jefferson. Thank you very much, Mr. Speaker.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand today as a member of the Judiciary Committee, a strong supporter of the First Amendment and a voice for the overwhelming majority of individual Maine citizens, who took the time to contact or testify to the Judiciary Committee, whose desire was for protection of religious freedom through LD 1428. Why is LD 1428 needed? To answer that question, we must understand the history behind LD 1428. Therefore, I would like to provide a brief background on the bill, a background that extends back more than 20 years. As I am sure we are all aware, religious liberty is considered one

of America's most cherished rights. The search for such liberty not only brought countless people to these shores, but its preeminent place in the Bill of Rights caused religious liberty to be known as our "First Freedom." But, in 1990, something happened to that "First Freedom," something so egregious that groups who had rarely agreed on anything, such as People for the American Way, the Southern Baptist Convention, the ACLU – I repeat, the ACLU – and the American Muslim Council, would eventually band together to respond. In 1990, the U.S. Supreme Court unraveled decades of religious exercise case law and handed down its decision in *Employment Division v. Smith*. In this decision, the Court narrowly decided that government action infringing upon religious exercise did not have to have strong justification, as had been required in the decades prior to Smith. Instead, the Smith Court said, government action could infringe upon religious liberty as long as that action was religiously neutral and could be applied generally to all people.

Why, though, is this a problem? It is a problem because many neutral, generally applicable laws may still incidentally infringe upon religious freedom. For example, a religiously-neutral, generally applicable law forbidding headwear in class could prevent Jewish students who want to wear a yarmulke in class from being able to do so. Prior to Smith, each student could receive an exemption from that general prohibition. Under the Smith rule, these minors could be barred from a fundamental religious practice. Thus, the Smith decision severely limited the free exercise of religion. It also gave less protection to religious liberty than other fundamental rights received, and, as the Harvard Law Review put it at the time, "…gut[ted] the free exercise clause by distorting prior rulings, a process indicating a hostility to precedent that imperils the complete spectrum of constitutional liberties."

The Court's judgment in Smith caused a fiercely negative reaction from groups along all points of the political spectrum – including those previously mentioned. For example, in written testimony before the state Judiciary Committee in 1992, then-president of the ACLU, Nadine Strossen, strongly criticized the Smith decision. She stated that in Smith, the Court essentially, "…wrote the First Amendment's guarantee of the 'free exercise of religion' out of the Constitution." Let me repeat. The ACLU spokesman said the Smith decision "…wrote the First Amendment's guarantee of the 'free exercise of religion' out of the Constitution."

As observers predicted, this "writing out" of free religious exercise had severe consequences. One example can be found in *Yang v. Sturner,* a case from Rhode Island that illustrates the devastating impact of *Employment Division v. Smith*. Three years before Smith, the 23-year old son of You Vang Yang and Ia Kue Yang, who were immigrants from Laos and members of the Hmong community, died after a seizure in his sleep. The Yangs' sincerely held religious beliefs forbade mutilation of the body through autopsies. But a medical examiner performed an autopsy on their son anyway, adding additional emotional devastation to the already heart wrenching experience of losing a child. Subsequently, the Yangs filed a lawsuit. In a decision issued before the Smith case was decided, the federal district court in Rhode Island ruled in favor of the Yangs, saying the medical examiner had violated the Yangs' religious liberty by performing an autopsy on their son. The Rhode Island court then scheduled a hearing for damages. Before this hearing could take place, however, the U.S. Supreme Court handed down the Smith decision. Heeding Smith, the Rhode Island court had no choice but to withdraw its earlier decision and dismiss the case. In his opinion during the damages hearing, Rhode Island District Judge Raymond Pettine expressed deep regret over the reversal of his earlier decision, saying he had "…the deepest sympathy for the Yangs." But, he noted, the Smith decision required upholding generally applicable laws, such as Rhode Island's autopsy law, despite the fact that it "…profoundly impair[ed] the Yangs' religious freedom." Interestingly, Rhode Island was one of the first states to adopt their own religious liberty bill in the aftermath of Smith.

The Yang case was not the only example of Smith's damage to religious liberty, however. In 1990, governments throughout the United States also subjected members of the Jewish faith to autopsies despite religious objections, zoned churches out of commercial areas, and, in one case, forced a religious shelter for the homeless to close because it could not afford an elevator. In fact, according to President Bill Clinton in 1993, "More than 50 cases have been decided against individuals making religious claims against Government action since [Smith] was handed down."

In light of such injustices, a large, diverse coalition of more than 50 groups, including the ACLU, lobbied Congress to correct the Smith decision. In 1993, these groups were successful when Congress passed and President Bill Clinton signed the Religious Freedom Restoration Act. This law, which has the same primary purpose as LD 1428, restored the pre-Smith requirement on government to have a compelling interest served through the least restrictive means before it can infringe upon religious liberty.

For a few years, the Religious Freedom Restoration Act served to restore the proper balance between governmental interests and the free exercise of religion. But in 1997, another Supreme Court case dealt a blow to religious liberty – at least, on the state level. In *City of Boerne v. Flores*, the Court ruled that while the Religious Freedom Restoration Act could apply to the federal government, Congress did not have the power to levy against the states. Consequently, adequate protection for free exercise of religion had to be settled state by state. Indeed, eighteen states, including Connecticut, Pennsylvania, and, as mentioned, Rhode Island, have passed their own versions of the Religious Freedom Restoration Act in order to correct the Smith decision and ensure that their respective governments have strong justification before infringing upon religious liberty.

LD 1428 would be Maine's version of the Religious Freedom Restoration Act. It would, in the same vein as eighteen other states, protect the religious liberty of Maine's citizens from unjustified government intrusion. Without it, the specter of Smith hovers over Mainers and leaves their First Amendment guarantee of free religious exercise vulnerable to improper interference. I urge you, therefore, to vote in favor of LD 1428. Thank you.

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

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

Representative **ESPLING**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to just stand and express my support for LD 1428, which merely aligns Maine with the federal government standard for religious protections. I believe, as our Founding Fathers did, that religious liberty is a fundamental right granted to us by God, not by the government. Therefore, government should be very limited in its ability to infringe upon this right. In other words, government

should only be able to burden the free exercise of religion if it has the strongest justification. This is, as I understand it, the purpose of LD 1428.

I did some research to find out what types of cases might be considered religious freedom cases. When has religious liberty been questioned in our nation? In 2001, a young student was not allowed to pass out pencils with a religious message to classmates at school. In 2003, a young student was not allowed to pass out candy canes with cards attached because they had a religious theme. A Native American prisoner was not allowed to keep his hair long in the case of *Knight v. Thompson*. A prison confiscated and banned a prisoner's religious literature that was related to the Wiccan religion in the case of *Hornsby v. Alabama*. Both of these cases were listed on the ACLU Alabama site as cases they were involved with in defending people's religious liberties.

In 2012, there was a case of a 6 year old who was not allowed to read aloud a poem with the word "God" in it at her school's Veterans Day assembly, school officials wanted the word "God" removed. In 2013, there was a case of a Christian inmate seeking to have a communal pre-meal prayer during the Christmas holiday. These two cases were listed on the ACLU website. And finally, in a March 4, 2010, Op-Ed, the *Portland Press Herald* praised the ACLU for defending an Orthodox Jewish congregation from prejudicial zoning laws that "preserve the status quo to the detriment of non-native religious groups trying to get their foot in the door of a community." In that case, The ACLU successfully employed a defense of "compelling interest and least restrictive means" for their client, the exact same standards LD 1428 is calling for today," compelling interest and least restrictive means," standards that are not clear in Maine Law and left to judicial interpretation.

As you can see, religious freedom is being impeded upon on a regular basis regardless of religious affiliation. Religion is under attack. Bias and discrimination does not focus on only one type of religion as you can see from the examples I have given. Therefore, it is no surprise that a coalition of different religious faiths support's LD 1428 including Muslims, Jews, Catholics, and Protestants. This coalition understands that in order to preserve religious freedom for one religion it must be fought for all religions. This bill simply allows Mainers the same protections afforded to them already by the federal government. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Equal rights and religious freedom are not mutually exclusive. I'm pretty sure we've already decided this in 2012. The people have spoken. They want religious freedom and they want equal rights. I want to put a face to this issue to kind of bring it home a little bit. This is personal to me. This is not some random equality rights movement. This is me and I want to just talk to you right now. In a personal scenario, let's break this down. If I walk into the North Saco Congregational Church and I talk to Reverend Gerry Scribner and I say, "Gerry, I want to get married here" and he says, "Justin, I don't want your kind here." That is completely legal under law right now, and I'm okay with that. It wouldn't happen because Gerry is a really nice guy, but that is completely legal. I might send him a gift basket with a rainbow muffin afterwards, but it's my choice to go to another church, just like its Reverend Gerry Scribner's choice to deny me access. Religious freedom is important. This bill just rubs salt in a wound. It makes people like me and others listening to this debate feel less than. It makes them feel like second-class citizens. It makes me feel like a second-class citizen, Mr. Speaker.

I heard from the good colleague from Mapleton that this bill just reinforces the status quo, what we already know. Then why is this bill needed? Name me an issue in Maine. I still haven't heard one. If Brenda, at the Seacoast Chapel in Saco, or Gerry, at North Saco Congregational Church, said, "Justin, we have an issue. We're being discriminated against." I would be the first one to put in a bill to change that because I believe wholeheartedly in religious freedom, in their right. But they haven't because there isn't an issue. They are protected. This is a bill searching for a problem rather than solving one. And I keep hearing from my friends on the other side of the aisle, and correctly so, that we don't want to duplicate legislation because it wastes taxpayer money. Well, this wastes taxpayer money. This is a duplicative bill that doesn't do anything that we need because there's already religious protections in law. So it's fiscally responsible to oppose it. It is because I support both equal rights and religious freedom that I am against this bill and in support of the pending motion. Thank you, Mr. Speaker.

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The answer to just about every objection that has been raised to LD 1428 can be reduced to just one word: Connecticut. That's right, Connecticut. A religious liberty statute has been on the books there for 21 years. Has the sky fallen in Connecticut, or for that matter in Illinois, or Rhode Island, or Pennsylvania? Has litigation exploded in the 21 years Connecticut has had this standard? No. Has same sex marriage been threatened or overturned in Connecticut? No. Has commerce or any service been denied or disrupted as a result of so-called religious discrimination? No. Now, if someone were to say that LD 1428 is not like Connecticut's law, actually, they would be right because Connecticut requires an even higher burden for its government to prove before it restricts the religious freedom of its citizens. In closing, if my colleagues on the other side of the aisle want to follow your leadership over the cliff on the issue of religious liberty, be my guest. Personally, I'm looking forward to engaging voters in my district on this issue between now and Election Day. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have a cold so I will have to speak slowly. I have heard many eloquent speeches in reference to LD 1428 and for these I thank you. Many of the speakers told us that we already have religious protection, but I would like to remind you that this did not stop President Franklin Roosevelt from reaffirming our freedom to worship. On January 6, 1941, President Franklin D. Roosevelt, an American icon, delivered a State of the Union message before the Congress of the United States that has come to be known as the Four Freedoms Speech. It was delivered at a time when Americans felt truly concerned and anxious about their future and what was happening both at home and abroad. The effects of the Great Depression were still fresh in their minds and experience. Much of Europe seemed to be preparing for war. Many Americans had lost their homes and farms during that depression. Many had lost their life savings when the banks failed and some were forced to migrate west as told in the famous novel, *The Grapes of Wrath*, by John Steinbeck. It was a time of unrest, uncertainty and fear for many Americans.

President Roosevelt, being a man of the people, could sense that fear and in his now famous speech attempted to allay that fear by telling the people that the America they believed in would

remain a land where freedom of speech would always be protected, freedom from want would be the right of all Americans, freedom from fear for every man, women and child in America would never be compromised, and, above all, freedom to worship in his or her own way would be a sacred trust. I can see the families now in every home and living room across America with their ears to the old Philco radio, which by the way I even remember, listening to Mr. Roosevelt and hanging on to his every word. Freedom of speech, freedom from want, freedom from fear and freedom to worship.

I ask you, why today do we hesitate, why do we wait to reaffirm that sacred trust that President Roosevelt spoke so clearly about, why have we the trepidation to reestablish that fundamental freedom so sacred to all of us, have we lost our resolve somewhere between the yesteryears of the more difficult time when America's Greatest Generation displayed that courage? Have we become the least generation, spoiled in luxury and softened by easy living? Have we become so comfortable in our ways that we are no longer willing to stand our ground for our values, our beliefs and our creeds? Are we willing to allow our conscience to lie on fallow ground where no seeds of justice and resolve will grow or flourish? Are we willing to carry on the sacred gift that our forefathers gave us centuries ago and another President, Franklin Roosevelt, reaffirmed just a few generations ago. For me, the path is clear, the way is sure. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Gifford.

Representative **GIFFORD**: Thank you, Mr. Speaker. I don't often rise to speak on issues, but I feel that this is very important, LD 1428. I'm going to recite some of the things that one of our Founding Fathers established in the Constitution. James Madison was the primary architect of the First Amendment. "The Religion…of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate…." about religion. One of the reasons they worked so hard to get the First Amendment into the Bill of Rights at the head of the clause is that they understood what would happen to this country if we didn't get this First Amendment into the Bill of Rights, and ahead of the clause is that they well understood that both religion and government could be perverted if there was some space created and weren't some protection provided. They knew that religion helped us give our people the character, without which democracy cannot survive. They knew that there needed to be space of freedom between government and the people of faith that otherwise government might usurp. I think, Mr. Speaker, Ladies and Gentlemen of the House, I think that's what LD 1428 does.

I also would like to quote another well-known Senator and it was Edward Kennedy. He was a cosponsor of the federal Religious Freedom Act with the same primary purpose as LD 1428. Senator Kennedy said, what follows is some of the comments regarding America's history on religious liberty, "The brave pioneers who founded America came here in large part to escape religious tyranny and to practice their faiths free from government interference. The persecution they had suffered in the old world convinced them of the need to assure for all Americans for all time the right to practice their religion unencumbered by the yoke of religious tyranny." LD 1428 is designed to protect this religious liberty for all Mainers, both now and in the future, and we never know how much the religious group will need, what the religious group will need next. Today, it may be one of the group's religious exercises impacted by state action, but tomorrow it could be another. As John F. Kennedy stated in 1960, " For while this year it may be a Catholic against whom the finger of suspicion is pointed, in other years it has been, and may someday be again, a Jew — or a Quaker or a Unitarian or a Baptist. It was Virginia's harassment of Baptist preachers, for example, that helped lead to Jefferson's statute of religious freedom. Today I may be the victim, but tomorrow it may be you — until the whole fabric of our harmonious society is ripped [apart] at a time of great national peril." Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this bill, 1428, and in opposition to the impending motion. I've heard a lot here today that this bill isn't necessary. It reminds me of a time in our history when the Federalists said the same thing to Thomas Jefferson when it came to having the Constitution contain a Bill of Rights. Thomas Jefferson said, then to the Federalists, "The people deserve a Bill of Rights." I say now that the people of Maine deserve religious protection from infringement by guaranteeing a compelling interest by the state and in the least restrictive manner. Members of the House, as legislators, it's our responsibility to judiciously contemplate the impact of every bill. What chain of events might each piece of legislation set in motion? While we don't claim to be prophets, we do appreciate the value of precedence. Fortunately, LD 1428 has not come to us as a lone ranger. Rather, we can study the effects of such a bill over the course of 21 years and in 18 different states.

So, in time, can we point to an illegal issue that has arisen publicizing the dangers of a RFRA bill? Has any Religious Freedom legislation inflicted harm or posed as a detriment to our citizens? Opponents of LD 1428 have suggested that the Religious Freedom Restoration Act of 1993 did indeed slice open Pandora's Box in the State of California. In a case where lawyers appealed to RFRA, it became legal for children belonging to the Sikh religion to come to school bearing Kirpan blades, which are symbolic, ceremonial knives. Opponents of LD 1428 would want to make it appear that under this bill courts are powerless to protect even schoolchildren from knife-touting peers under the auspice of religious freedom.

However, before we vilify this Religious Freedom Act, let's examine all the evidence. Through the court's proceedings, a compromise was struck. Who orchestrated this compromise, you ask? The same organization who is now claiming Maine does not need such a law is exactly who defended the Sikh families— the ACLU. Listen to what the ACLU attorneys who represented the religious children in this California case had to say. Attorney Stephen Bomse explained the ruling this way: "This is an important achievement for religious liberty, but it is an achievement that does not come at the cost of safety in our schools."

If the Religious Freedom Act legislation tenders such a threat, why would Henry Escobar, the Superintendent of the Livingston Union School District announce, "We are pleased to have reached a resolution among all parties. Our primary concern at all times has been the safety issues….We are happy to have been able to accommodate [the Cheema children's] religious needs without jeopardizing the safety of all our students, faculty or staff."

The simple fact is that religious freedom did not tie the hands nor the sound minds of the Ninth Circuit, but rather, compelled them to search for a satisfying compromise — and one could be reached. Strict restrictions were placed on a religious practice that ensured the safety of all students and staff. For example, the 2.5" blades had to be dulled and sewn securely into a sheath

kept inside a specially designed pouch. Additionally, the school district was granted inspections rights. The court was, however, held to the standard of "least restrictive means." Was it possible to accommodate the Sikhs' religious belief without jeopardizing anyone's safety? The answer in that case was a resounding "yes."

So, while this is yet one example, it illustrates how a court might reasonably settle a claim that builds a defense on religious freedom. It quells any false notions that religious freedom leaves mayhem in its wake. Government has a duty to rule according to its compelling interest, and religious freedom bends its legal knee to that standard. But in cases where religious conscience can be accommodated, as it should be, religious freedom acts as a shield—not a weapon. Therefore, with our personal views of religion aside, we should all support such a bill as LD 1428. Thank you, Mr. Speaker, and I thank you, Ladies and Gentlemen of the House.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Religious freedom, or freedom from religious oppression, has been an important issue in our history, and it's been especially important for my own family. A little bit of history: My 12th great-grandfather, Elder William Brewster, came to our shores in 1620 seeking freedom from persecution from the Church of England for his dissenting religious views. He came here specifically to set up their own place to have freedom of religion. A decade later, things had changed, the Puritans had gotten a little more intense and my 11th great-grandmother was persecuted for speaking out against the ruling Puritans. Anne Hutchinson, who was banned from the colony for her beliefs that we all stand on equal ground under the eyes of not only God but our country, was banned from the colony and, in turn, founded Rhode Island in hope that they could create a state where everyone could be equal under the law and under God. Not long after, my 10th great-grandmother, Mary Dyer, who was also an outspoken Quaker, was not quite as lucky and was unfortunately hung for her beliefs that we should have freedom of religion. Then come along the Founding Fathers and look at the past bloodshed that exists in the founding of our nation and realized that we had to have religious freedom. It is the core of our country. It's what got the initial immigrants and my ancestors to come to America, to find a place where they could have a new start. It's what our country has been built on. It's not only a key portion of the American Constitution, I urge you all to read Section 3 of the Maine Constitution. We already have freedom of religion in Maine. It's part of our founding.

Much, much later, my great-uncle, Robert Storer, was the minister of a Unitarian Universalist church in Winchester. He believed deeply that everyone should be able to worship God, as they believed. He was also gay. If he was here today, he'd be standing with me speaking out about how this law does not protect our religion or anyone's religion, but instead opens the door to legalized hate and legislation that can hurt people's ways of lives. So when I stand here before you and say that I am supporting the motion that this bill Ought Not to Pass, you can understand that it's deeply personal. It is something that I have personally fought for to ensure that everyone has equal rights under the law and their freedom to pray. It is something that my family has fought for.

Also, I wanted to quickly clarify some items that had been mentioned about the bullying law that we had passed quite recently. This bill, if passed as amended, would actually hurt the prior bullying law. It would undermine it, exposing our schools to liability on both ends. Title 20-A, Section 6554, prohibits bullying currently, but this bill would create a defense so that any teacher could stand up and any student could sue citing this for any reason. Schools wouldn't be able to discipline staff who break the rules. A teacher could opt out of teaching mandated curriculum that contradicts his or her religious beliefs and a staff member could refuse to respond to an incident of bullying. LD 1428 would require Maine schools to waste resources defending against expensive lawsuits. It creates a cause of action against any government entity that includes Maine's public schools. It opens the door to unnecessary and very expensive litigation. I urge everyone to follow my light. This is not a bill that stands strong for religious freedom. If anything, it hurts religious freedom. Thank you.

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

Representative **CROCKETT**: Thank you, Mr. Speaker. Mr. Speaker, Distinguished Members of the House. I think we're all infected with a little of idealism. That's probably the reason why most of us ended up here because in our heart of hearts we believed in protecting those who can't protect themselves. Whether it's freeing the oppressed on the battlefield, whether it's arguing for civil rights in a court, or whether it's debating high-minded ideals in the halls of government, we give voice to those who can't be here to speak for themselves and today we get the opportunity to debate one of the highest or greatest ideals in our nation's history. Between freedom of religion and freedom of speech, I'm not sure which is greater, but we don't have to decide that today. But what we do have to decide is whether this is a good bill or not and when you look at it, you can look at it in two parts. First, you have the legal analysis which follows logic and reason, and in the second portion is the principle.

Now, just a quick synopsis of the history of this bill or how it came out to be, and I know some others have already touched on it. The United States Supreme Court had a substantial burden test for decades. In 1990, the Supreme Court struck it down, took up a neutrality standard. In 1993, the ACLU pushed through at the federal level legislation that reaffirmed or reestablished the substantial burden. Then, in 1996, the Supreme Court said it applied to the federal government but the states were on their own. So the states responded and this legislation is Maine's version.

Now, opponents to this bill have three decent arguments. First is whether it undermines the Human Rights Act and that was obviously a concern to me, having been a supporter of the 2005 version and the reason I proposed certain amendments to this at an earlier date, it turns out were unnecessary. Now, in order to override, if this legislation were to pass and override the Human Rights Act, you would have to say that government didn't have a compelling interest. Obviously, they have a compelling interest in reaffirming the Human Rights Act so that doesn't really carry a great deal of weight. The next is whether it undermines the same sex marriage law that was passed at referendum and that has been adopted in the State of Maine. No, and the answer is Connecticut. One of the first states to have RFRA also is one of the first states to have same sex marriage. So the two can exist together. They are not mutually exclusive as the good Representative from Saco indicated. I completely concur with his assessment. Now, the third has been, some of the more astute legal minds in this chamber have alluded to, is it necessary. It could be argued that the state Supreme Court already has this standard and very adequately argued that it already has a standard. On that, you would have a reason to vote against the legislation, but you'd have to ask yourself this: If the United States Supreme Court can change their standing after decades

of stare decisis, in 1990, and adopt a different standard, then why couldn't the Maine Supreme Court? Why can't we lean forward, be proactive? Why can't we address the situation before it becomes a situation? You can answer that question for yourself because, remember, we can agree to disagree on how much protection is offered under the current law. When I stood up to speak, I thanked the Speaker for the ability to speak because he may not like what I have to say, as I may not like all of his decisions, but we can agree to disagree. That's civility. That's tolerance for another person's views. The freedom of speech is the closest analogous amendment to the freedom of religion because the freedom of speech expresses your belief and the freedom of religion preserves that belief. So when a society digresses to the point where they can no longer have tolerance for another person's belief or culture, they will become a war-torn society. It has been proven in history. In my own life experience, I have seen it on battlefields. It exists in Bosnia. It exists in the Middle East today.

Now, some will say that it's too global and too far removed from our safe haven of Maine. Right now, thank God it is. But you only have to look at your history. In Maine, we, in the mid-1800s to the mid-1900s, we had an influx of French-Canadian immigrants who were Catholic. During that same time, we had a response. We had one of the strongest Klan fellowships in the country. The State of Maine had a Ku Klux Klan following. It's hard to believe, but they were against the Catholics. Now, this is particularly sensitive to me. Well, my father is an old Maine family whose pictures litter the halls here. My mother, I'm a first generation American. I'm the son of an immigrant whose first language is not English, so I'm sensitive to the issue because, now, Maine is faced with a unique situation. We are seeing a growing immigrant population in Lewiston, in Portland, and it's going to spread throughout the state. You know, we can embrace that because tolerance of another person's faith is vital. It's the same tolerance that is intertwined with their culture. We have to accept them. We have to embrace them. We have to protect. Some of the people who came out to support this bill in the committee were imams. Fortunately, they didn't have a chance to speak, but they came in support of the bill. I had the pleasure of meeting with a couple of them. So you can vote however you want to vote because we can all agree to disagree, but regardless, we need to stay fervent in our heart of hearts that we will continue to have tolerance for other people's views. We will not take offense to their views. We will allow them to have their own. That is probably the right thing to do and that's probably the greatest tradition Maine has. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. In looking at this bill, I went in and read all the testimony that came before the committee and the most compelling testimony, for me, was from our own Attorney General Janet Mills. I will quote, just briefly, from her testimony, pieces that I think are relevant and have not already been stated. She said, and I quote, "I am speaking today in my capacity as the chief law enforcement officer for the State of Maine."

"No one in this room would deprive another person of their right to practice their religion. And no one, I am sure, would practice their religion in a way that would infringe on the right of someone else to practice their own religion. We are, of course, a community of diverse beliefs and multiple religions."

She said, "The great danger here is that the law may give special rights to some, while infringing on the rights of others. That may be an unintended consequence. But it is a real consequence."

She went on to say that, "…this bill raises serious questions about the viability of our civil, traffic, administrative and criminal laws as they might incidentally impact an individual's exercise of their religious belief."

But this is the one that really caught my eye. She said, "I anticipate a plethora of court cases, criminal, civil and administrative, in which individuals assert a 'religious expression' defense should this bill become law. And for that reason, this bill should carry a substantial fiscal note—the price tag for defending laws, ordinances, rules, regulations and policies at all levels; the costs to the courts to hear all these new cases; and the costs to governments at all levels for paying money damages—even if arbitrary and unreasonable—and court costs and attorneys' fees. (After all, this bill is a lawyer's dream.)"

She ends with this: "You can pass this law. And it may feel good to pass this law and say that you have stood up for religious freedom. But what you are actually doing may be just the opposite. You may be trampling on the religions and beliefs of many and their right to practice as they believe. You may pass this bill. But there may be a price to pay. An awful price…."

I take this testimony by the chief law enforcement officer of the State of Maine very seriously and I recommend to you, my colleagues, that you do the same. In my opinion, this bill should be renamed "A field day for lawyers." Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan-Derrig.

Representative **MONAGHAN-DERRIG**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As a member of the Judiciary Committee, I have the honor of sitting next to the sponsor of this bill, LD 1428, and have done so in the past two terms. I can tell you that we share a great respect for each other. I have learned a lot from the fine Senator and his lifelong career of a state trooper in Machias, a rural area, and I'd like to think that he's learned a bit about me, too, living down in the southern Maine area, and what it's like to bring up a young middle schooler, now, being a single parent. We definitely share a lot of life stories and again we have a lot of respect for each other. But there is one thing that we pretty much agree on, is that we agree to disagree quite a bit on a lot of issues, and this is one of them, LD 1428. I believe strongly that everybody has rights and I believe that a lot of times that there is really nothing in the Constitution that's an absolute. There are many provisions in the Constitution that are seemingly written in absolute terms, but the courts and we, as legislators, never really interpret them that way. We see this often ourselves, here, on the floor, as we use quotes by our Founding Fathers or political leaders that are pretty much taken out of context.

I worry about this bill, particularly when it comes to the reproductive rights of women. I work in downtown Portland and I've seen the difference between what it's been like for the family planning health service on Congress Street that has had a buffer zone and when it has not had a buffer zone, and I can tell you it is far more, everybody is in a better place with the buffer zone than when it's not. There's been a lot of problems before that. I understand that a lot of the prolife advocates are just there to counsel the young women that are entering this location every Friday morning, but I have to admit that it's a little more than just counseling that they're doing. So by putting up this buffer zone, it has done a lot of good for the women that are entering and also from the surrounding businesses that are trying to conduct business on a daily basis. If this bill passes, I would worry about these buffer zones and the fact that maybe now with further strengths in religious freedoms these buffer zones could go

away. I believe, in this case, it's really about striking a balance between two competing constitutional interests. One, you have the interest for free speech and the rights to religious freedom, but then you have another, a competing right, to have access to health care and the reproductive health care services. So, ladies and gentlemen, I ask that you consider this bill thoughtfully but think about some of the issues that have been raised and also some of the folks that have come up and spoken against this bill. Maine law already contains well thought out and truly compelling religious exemptions. This is the best way to ensure religious freedom is maintained without infringing on the rights of others. Therefore, I urge you to vote Ought Not to Pass on LD 1428. Thank you.

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

Representative **KESCHL**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **KESCHL**: You know, I've heard during this debate lots of concerns about the high cost that this bill potentially could incur and about the numbers of cases that could flood our courtrooms. On the other hand, by the proponents of the bill, I've heard about the very low numbers of cases that have actually occurred in the 18 states or so that have adopted similar measures. My question is do the opponents of this bill have any facts or figures that can show that there is a high number of cases out there are going to occur, that there is lots of costs that are going to occur? I've heard facts on one side and I've heard suppositions on the other side, and I just wanted to know if there are any facts that would support this supposition.

The SPEAKER: The Representative from Belgrade, Representative Keschl, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Mr. Speaker. In answer to the gentleman's question, there have been, as I understand it, 146 cases filed so far, up to the last year. That's because a lot of the 18 states you keep hearing about had not enacted this statute until recently, so there hasn't been time for cases to develop. What we do know is, last year, 90 cases were filed. Now, will that continue, will that get up? I don't know, but there is certainly that danger and that's a concern. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Years and years ago, they fled Europe and came to this country because they would have freedom of religion. They still have that freedom of religion and no one is trying to take it away from them. I might believe in something that somebody else doesn't believe in, that's fine. The other day a minister of some church down south played with snakes, that was part of their religion, and he got bit and died. His son is taking over. If that isn't freedom, nothing is. Thank you.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I am Christian. Perhaps I'm not supposed to say that on the floor of the House, but I've spoken freely about other aspects of my personhood in this chamber, so why not this? I am Christian. I follow, to the best of my ability, the teachings of Christ, all of them, including the greatest commandment of all: Love thy neighbor as thyself. My mother, who remains the wisest woman I've ever known, is also Christian. A devout Lutheran, in fact. She read her Bible every morning; prayed throughout the day and before bed every night; went to church every Sunday and took us with her; and even made sure we attended an evangelical elementary school.

My mother, the wisest woman I've ever known, used to say, "You should never hide behind your religion in order to justify mistreatment of another individual. If you are willing to do that, then you may as well put your religion down and never bother to pick it back up again."

In my view, the bill before us today puts the First Amendment in a bit of a tug of war with the Fourteenth Amendment. We have heard a great deal about the First Amendment today, but not so much about the Fourteenth. Section one of the Fourteenth Amendment reads as follows: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Nor deny to any person within its jurisdiction the equal protection of the laws. In other words, love your neighbor as yourself. LD 1428 might allow a restaurant owner to refuse service to anyone who does not hold that restaurant owner's religious belief. While they may be exercising their religious freedom, denying service to anyone in their restaurant based on that patron's religious belief would fly in the face of the equal protection clause of the Fourteenth Amendment. While I remain a strong supporter of individual liberty; while I would take no action in word or deed or a vote that would restrict a person's right to believe whatever they want, I simply cannot bring myself, Christian or not, to support a measure that might allow someone to hide behind their religion in order to discriminate against another person, and for that reason I will be voting to support the motion before us. Thank you, Mr. Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As an attorney, I appreciate the comments in regards to the issue of undue burden, improper burden that either the Attorney General or the concerns of the chairman of the committee may be talking about. But every bill that we pass in this body becomes a piece of legislation that possibly could be opened to litigation or whatnot, so I don't really see that as an issue. What I find really odd here is that we had the good United States Senator from Maine, Senator Mitchell, here, just a short time ago, talking about the need to be patient and to listen, and he was intimately involved in the passing of this federal legislation, as a Democrat, along with the president at the time, President Bill Clinton. And so I will be casting a vote in support of bipartisanship and their good words and deeds at the federal level in supporting this bill, and I ask that you follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Pouliot.

Representative **POULIOT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I kind of feel like I'm a member of the other body right now with the number of empty chairs in here. As you've heard, LD 1428 has a long history. It's main goal is the same as the 1993 federal law, the Religious Freedom Restoration Act, which, like LD 1428, was designed to ensure that government could not infringe upon religious liberty without the strongest justification. I think it's interesting that the federal RFRA aimed to correct the Supreme Court's devastating decision in *Employment Division v. Smith*. I think it's important to

reference reactions to that decision from 1990, primarily because it is a case that, despite some protections that we may have now, still threatens to reduce protection for religious liberty without LD 1428.

In 1992, then President of the ACLU, Nadine Strossen, testified in favor of the federal RFRA and delivered a scathing critique of the Smith decision, agreeing with colleagues that Smith could be considered the Dred Scott of the First Amendment law. Dred Scott, of course, as you know, is a case that allowed for constitutional right to own slaves. In her testimony, Strossen went on to say that the federal RFRA should then be considered the Civil Rights Act of the First Amendment law. In the same way then, LD 1428 should be considered the Civil Rights Act of the First Amendment law here in Maine. It will guarantee that the Smith decision can never undermine the First Amendment's guarantee of free religious exercise for all Mainers. So if Democrat and Republican proponents of this standard equated the federal version of this bill with civil rights, then it's not too hard to see how it became a bipartisan issue. In other words, conservative and liberal politicians, due to a horrendous Supreme Court decision, realized they needed to add protections to vulnerable exiting constitutional rights. So the question must be asked, why would the very same people in organizations so fiercely promote and defend this standard and now say it is not needed? It just doesn't make sense to me, but fiercely partisan actions rarely do. Neither are those actions good for the people that we serve. I urge you to set aside your political and philosophical differences and protect our First Amendment rights and support LD 1428. Thank you.

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

Representative **PRIEST**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. No one has shown that anything that they are concerned about, as far as Maine freedom of religion, is not adequately taken care of by our present statutes, including the Maine Human Rights Act. No one has been able to tell us why it has been 21 years since 1993 and why this bill has to be enacted now and why it never appeared before. This is not a bill about religious freedom. We all believe in religious freedom. We all believe it's guaranteed by the Maine Constitution and, in part, by the federal Constitution. The real question is, is this bill necessary? The majority of the committee felt that it could lead to litigation because you have attorneys' fees and compensation which encourages litigation. Litigation is starting to increase in those states which have had this bill passed and we certainly will be facing it in the future. If you pass this bill, be sure you'll be able to talk to your town managers and say why they have to have legal advice when they decide what they're going to do with neutrally, on its face, neutrally-based ordinances. You're going to have to talk to the Attorney General as to why she is going to have to prepare to face litigation which she would not have to prepare. Again, we have adequate protection for religious freedom. There's no question…

The SPEAKER: Will the Representative defer? The Chair recognizes the Representative from China, Representative Cotta, and requests why the Representative rises.

Representative **COTTA**: Mr. Speaker, I just wanted to remind the good Representative he is addressing you and not the body.

On **POINT OF ORDER,** Representative COTTA of China asked the Chair to remind Representative PRIEST of Brunswick to address the Speaker and not turn to the rest of the House.

The SPEAKER: The Chair would remind all members that debate should go through the Chair.

The Chair reminded Representative PRIEST of Brunswick to address his comments toward the Speaker.

The SPEAKER: The Representative may proceed.

Representative **PRIEST**: Thank you, Mr. Speaker. I am certainly addressing you as well as the good gentleman who just rose. That's all I want to say. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the good words of the Representative in regards to litigation. Again, I am having a hard time sort of understanding the argument when in fact it appears as though this legislation has been passed in, I think, it's 18 or 19 other states. There doesn't seem to have been a flood of legislation or litigation related to it, and then sort of questions the timing of the bill coming before this body now. I again find that an odd argument because I think we can say that of many bills that come before this body, in terms of the timing of when they come and when they don't come. I don't find those as persuasive arguments to vote against this bill, where it seems to me, I guess, in a more simple way, to simply be an affirmation of the acknowledgement of religion in our lives. I just sort of rise to make that very quick point because, as an attorney, I don't see that we're going to all have to hire an attorney in our towns or otherwise to deal with a bill that's already in place in nearly 20 states in our country and hasn't shown as a factual matter to have been a substantial problem in 20 other states. Thank you, Mr. Speaker.

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

ROLL CALL NO. 498

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Noon, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stuckey, Theriault, Tipping-Spitz, Treat, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Chase, Clark, Cotta, Cray, Crockett, Davis, Doak, Dunphy, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson P, Keschl, Kinney, Lockman, Long, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Crafts, Duprey, Gilbert, Goode, Johnson D, Kent, Knight, Kumiega, Nelson, Villa.

Yes, 89; No, 52; Absent, 10; Excused, 0.

89 having voted in the affirmative and 52 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

CONSENT CALENDAR
First Day

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

(S.P. 650) (L.D. 1672) Bill "An Act To Amend Maine's Emergency Management Laws" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(S.P. 666) (L.D. 1701) Bill "An Act To Amend the Work-sharing Program To Conform with Federal Law" (EMERGENCY) Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-391)**

(H.P. 1224) (L.D. 1700) Resolve, Regarding Legislative Review of Chapter 13: Fees for Boxing Events and Authorized Participants, a Major Substantive Rule of the Combat Sports Authority of Maine (EMERGENCY) Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1161) (L.D. 1590) Bill "An Act To Amend the Operating-under-the-influence Laws" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-614)**

(H.P. 1214) (L.D. 1691) Bill "An Act To Stop Unlicensed Loan Transactions" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-615)**

(H.P. 1227) (L.D. 1716) Bill "An Act To Increase the Rate of Reimbursement for Providing Career and Academic Advising and Counseling Services to Adult Education Students" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-616)**

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
Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot

(H.P. 131) (L.D. 156)
(C. "B" H-587)

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

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Emergency Measure

An Act To Implement the Recommendations of the Judicial Compensation Commission

(S.P. 263) (L.D. 725)
(C. "A" S-383)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 6 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Reinstate Statutory Authority for Local Property Tax Assistance Programs

(H.P. 1179) (L.D. 1607)

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. 140 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Exempt from Sales and Use Tax Sales of Publications To Be Distributed without Charge and Printed Materials Included in Publications

(H.P. 1232) (L.D. 1722)
(C. "A" H-609)

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

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

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

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

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

ROLL CALL NO. 499

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gillway, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jones, Jorgensen, Kaenrath, Keschl, Kinney, Kornfield, Kruger, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Crafts, Duprey, Gilbert, Goode, Johnson D, Kent, Knight, Kumiega, Nelson, Villa.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

ENACTORS

Emergency Measure

An Act To Amend the Work-sharing Program To Conform with Federal Law

(S.P. 666) (L.D. 1701)
(C. "A" S-391)

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. 136 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Acts

An Act To Ensure Equitable Support for Long-term Energy Contracts

(S.P. 440) (L.D. 1278)
(C. "A" S-384)

An Act To Update Citations of Recodified Federal Regulations in the Maine Consumer Credit Code

(S.P. 643) (L.D. 1651)

An Act To Simplify the Audit Procedures of the Maine Rural Development Authority

(S.P. 661) (L.D. 1666)
(C. "A" S-388)

An Act To Make Minor Technical Changes to the Laws Governing the Department of Labor

(H.P. 1200) (L.D. 1677)

An Act To Make Technical Corrections to the Maine Consumer Credit Code To Facilitate the Multistate Licensing Process

(S.P. 678) (L.D. 1712)

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 Bureau of Alcoholic Beverages and Lottery Operations To Adopt Rules To Define the term "Brand" as It Applies to the Distribution of Malt Liquor and Wine

(H.P. 517) (L.D. 766)
(C. "A" H-599)

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

An Act To Establish Reasonable Restrictions on the Use of Fireworks

(S.P. 57) (L.D. 168)
(C. "A" S-380)

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

On motion of Representative FREDETTE of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 500

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Stuckey, Theriault, Tipping-Spitz, Treat, Welsh, Werts, Wilson, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Cray, Davis, Doak, Dunphy, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson P, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Peterson, Pouliot, Reed, Sanderson, Short, Sirocki, Stanley, Timberlake, Turner, Tyler, Verow, Volk, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

ABSENT - Crafts, Duprey, Gilbert, Goode, Johnson D, Kent, Knight, Kumiega, Nelson, Villa.

Yes, 86; No, 55; Absent, 10; Excused, 0.

86 having voted in the affirmative and 55 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Clarify When Bonds May Be Issued

(H.P. 628) (L.D. 904)
(C. "A" H-595)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 501

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kornfield, Kruger, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Noon, Peoples, Peterson, Plante, Powers,

Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Cray, Crockett, Davis, Doak, Dunphy, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Jackson, Johnson P, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Crafts, Duprey, Gilbert, Goode, Johnson D, Kent, Knight, Kumiega, Nelson, Sanderson, Villa.

Yes, 87; No, 53; Absent, 11; Excused, 0.

87 having voted in the affirmative and 53 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

The following Joint Order: (S.P. 712)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 25, 2014 at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

The following Joint Resolution: (S.P. 713)

JOINT RESOLUTION CONGRATULATING THE BOSTON RED SOX ON THEIR WINNING THE 2013 WORLD SERIES

WHEREAS, on October 30, 2013, the Boston Red Sox won the 2013 World Series by defeating the St. Louis Cardinals at Fenway Park, winning the series for the first time in Boston since 1918; and

WHEREAS, the people of Maine are overwhelmingly tried-and-true members of what is called Red Sox Nation, and the support and loyalty of Red Sox fans in Maine were richly rewarded with this third World Championship in 10 years; and

WHEREAS, Maine fans of the Red Sox join with the rest of Red Sox Nation in celebrating this wonderful victory in the World Series, especially after the grievous and tragic events of the 2013 Boston Marathon; and

WHEREAS, Maine joined the world in feeling admiration and pride as the 2013 Red Sox exemplified the phrase "Boston Strong," which was coined after the 2013 Boston Marathon tragedy; and

WHEREAS, the Red Sox continue to inspire us all and are a shining example of Boston's courage and determination; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, extend our congratulations to all the members of the Boston Red Sox on their winning the 2013 World Series and bringing the championship title back to New England; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Boston Red Sox with the best wishes of the people of Maine for future victories.

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

READ and **ADOPTED** in concurrence.

CONSENT CALENDAR
First Day

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

(S.P. 645) (L.D. 1653) Bill "An Act To Designate the Maine Armed Forces Museum Operated by the Maine Military Historical Society as the Official State Military History Museum" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence.

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

On motion of Representative PRIEST of Brunswick, the House adjourned at 1:08 p.m., until 10:00 a.m., Tuesday, February 25, 2014 pursuant to the Joint Order (S.P. 712).