

ONE HUNDRED TWENTY-NINTH LEGISLATURE
FIRST REGULAR SESSION
23rd Legislative Day
Tuesday, March 19, 2019

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

Prayer by Pastor Rick Stoops, First United Pentecostal Church of Augusta.

National Anthem by Olivia Mayo, Minot.

Pledge of Allegiance.

Doctor of the day, Linda Keniston, M.D., Oakland.

The Journal of Thursday, March 14, 2019 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 381)

ORDERED, the House concurring, that the Joint Standing Committee on Veterans and Legal Affairs shall report out, to the Senate, a bill to amend Resolve 2017, chapter 18.

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

READ and **PASSED** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 118)

STATE OF MAINE

129TH MAINE LEGISLATURE

February 14, 2019

Major General Douglas A. Farnham

Adjutant General, Maine National Guard

33 State House Station

Augusta, Maine 04333

Dear General Farnham:

We are pleased to invite you to address a Joint Session of the 129th Maine Legislature on Thursday, March 21 at 11:00 a.m., concerning matters of defense, veterans' services, emergency management and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Troy D. Jackson

President of the Senate

S/Sara Gideon

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 119)

DEPARTMENT OF DEFENSE, VETERANS AND

EMERGENCY MANAGEMENT

33 STATE HOUSE STATION

CAMP CHAMBERLAIN, AUGUSTA, MAINE 04333-0033

February 22, 2019

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

As the Commissioner of the Department of Defense, Veterans and Emergency Management and the Adjutant General of the Maine National Guard, I accept your invitation to address the

Joint Session of the 129th Maine Legislature on Thursday, March 21st at 11:00 a.m.

Sincerely,

S/Major General Douglas A. Farnham

Commissioner and Adjutant General

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 120)

STATE OF MAINE

HOUSE OF REPRESENTATIVES

SPEAKER'S OFFICE

AUGUSTA, MAINE 04333-0002

March 19, 2019

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that pursuant to her authority, Governor Janet T. Mills has nominated the following:

On March 13, 2019

Mary O. Shea of Brownfield for appointment as Student Trustee to the Board of Trustees, Maine Maritime Academy.

Pursuant to Title 5 §12004-C and Public Law 1941, c. 37, §1, as amended by P&SL 1993, c. 27, §1, this appointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Jason A. Oney of Falmouth, Morten Arntzen of Norwalk, CT and Arthur K. Watson, Jr. of New Canaan, CT for reappointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to Title 5 §12004-C and Public Law 1941, c. 37, §1, as amended by P&SL 1993, c. 27, §1, these reappointments are contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Sara Gideon

Speaker of the House

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

The Following Communication: (H.C. 121)

STATE OF MAINE

CLERK'S OFFICE

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

March 19, 2019

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the Committee on Marine Resources has approved the request by the sponsor, Representative McCreight of Harpswell, to report the following "Leave to Withdraw":

L.D. 962

An Act To Protect Shellfish in the Intertidal Zone by Including within the Definition of 'Fish' the Taking of Spat and Seed

Sincerely,
S/Robert B. Hunt
Clerk of the House

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

The Following Communication: (H.C. 122)

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

March 19, 2019
Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

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

- L.D. 654 An Act Regarding Instruction in Civics in Secondary Schools
Environment and Natural Resources
- L.D. 87 An Act To Increase the Bottle Redemption Deposit
- L.D. 93 An Act To Amend the Laws Governing Bottle Redemption To Counterbalance for Redemption Centers the Increase in Minimum Wage
- L.D. 319 An Act To Standardize the Laws Concerning Property Transfers and To Protect Water Quality
- L.D. 360 An Act To Increase the Reimbursement to Bottle Redemption Centers (EMERGENCY)
- L.D. 377 An Act To Protect Small Redemption Centers (EMERGENCY)
- L.D. 378 An Act To Amend Maine's Bottle Deposit Law
- L.D. 426 An Act To Increase the Beverage Container Redemption Reimbursement To Offset Minimum Wage Increases
- L.D. 505 An Act To Require the Use of Reusable Food Ware at Eating Establishments
- L.D. 575 An Act To Increase the Bottle Redemption Deposit and the Amount Retained by Bottle Redemption Centers
- L.D. 579 An Act To Update Beverage Container Deposits and Redemption Values
Health Coverage, Insurance and Financial Services
- L.D. 842 An Act Relating to Insurance Companies and Totaled Motor Vehicles
- L.D. 899 An Act To Increase Access to Health Care by Attracting Qualified Physicians to Maine
Innovation, Development, Economic Advancement and Business
- L.D. 88 An Act To Require the Truthful Display of Gasoline Prices

- L.D. 130 An Act To Provide Funding To Continue the Strategic Economic and Sustainable Development of Northern Aroostook County
Marine Resources
- L.D. 4 An Act To Encourage Applied Shellfish Research
- State and Local Government
- L.D. 554 An Act To Clarify the Authority To Recall Municipal Officials
- L.D. 572 An Act Regarding the State Bird
Veterans and Legal Affairs
- L.D. 272 An Act To Allow Voting by Mail
- L.D. 667 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That the Governor Be Elected by a Majority Vote

Sincerely,
S/Robert B. Hunt
Clerk of House

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

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Make It Explicit That Maine Holds Title to Its Intertidal Lands"

(H.P. 951) (L.D. 1316)

Sponsored by Representative EVANGELOS of Friendship.
(BY REQUEST)

Cosponsored by Senator DOW of Lincoln and Representatives: BEEBE-CENTER of Rockland, DODGE of Belfast, GROHOSKI of Ellsworth, PLUECKER of Warren, RISEMAN of Harrison, SYLVESTER of Portland, WARREN of Hallowell.

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.

Bill "An Act To Improve Investigative Efficiencies at the State Fire Marshal's Office"

(H.P. 936) (L.D. 1293)

Sponsored by Representative NADEAU of Winslow.

Bill "An Act To Determine the Need To Increase the Number of Forensic Emergency and Crisis Beds"

(H.P. 938) (L.D. 1295)

Sponsored by Representative TALBOT ROSS of Portland.
Cosponsored by Senator DOW of Lincoln and Representatives: BAILEY of Saco, MADIGAN of Waterville, MAXMIN of Nobleboro, MOONEN of Portland, Senators: CLAXTON of Androscoggin, GRATWICK of Penobscot, MOORE of Washington, ROSEN of Hancock.

Bill "An Act To Amend the Laws Governing the Funding Limitation on County Jails"

(H.P. 956) (L.D. 1321)

Sponsored by Representative STANLEY of Medway.

Cosponsored by Representatives: VEROW of Brewer, WHITE of Waterville.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.
REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.
Sent for concurrence.

Bill "An Act To Amend the Student Information Privacy Act"
(H.P. 959) (L.D. 1331)
Sponsored by Representative FECTEAU of Augusta.
Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.
REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.
Sent for concurrence.

Bill "An Act To Incentivize Municipalities, State Agencies, Colleges and Universities To Use Electric Vehicles"
(H.P. 942) (L.D. 1299)
Sponsored by Representative INGWERSEN of Arundel.
Cosponsored by Senator CHENETTE of York and Representatives: ALLEY of Beals, DENK of Kennebunk, DOUDERA of Camden, HEPLER of Woolwich, MAXMIN of Nobleboro, MEYER of Eliot, PLUECKER of Warren.
Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.
REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.
Sent for concurrence.

Bill "An Act To Require the Department of Environmental Protection To Provide Natural Resources Protection Act Permits to Affected Municipalities"
(H.P. 955) (L.D. 1320)
Sponsored by Representative FAY of Raymond.
Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.
REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.
Sent for concurrence.

Bill "An Act To Reduce Youth Cancer Risk"
(H.P. 940) (L.D. 1297)
Sponsored by Representative PERRY of Calais.
Cosponsored by Senator MOORE of Washington and Representatives: HANINGTON of Lincoln, HYMANSON of York, MADIGAN of Waterville, McCREIGHT of Harpswell, MEYER of Eliot, Senators: DAVIS of Piscataquis, ROSEN of Hancock, VITELLI of Sagadahoc.
Bill "An Act To Enact the Maine Death with Dignity Act"
(H.P. 948) (L.D. 1313)
Sponsored by Representative HYMANSON of York.
Cosponsored by Senator WOODSOME of York and Representatives: BAILEY of Saco, DENNO of Cumberland, MEYER of Eliot, STEARNS of Guilford, Senators: GRATWICK of Penobscot, MOORE of Washington.

Bill "An Act To Support Medically Monitored Crisis Support and Intervention"
(H.P. 950) (L.D. 1315)

Sponsored by Representative GATTINE of Westbrook.
Cosponsored by Representatives: JORGENSEN of Portland, MORALES of South Portland, Senator: SANBORN, L. of Cumberland.

Bill "An Act To Restore Services To Help Certain Noncitizens Meet Their Basic Needs"
(H.P. 952) (L.D. 1317)

Sponsored by Representative GATTINE of Westbrook.
Cosponsored by Senator LIBBY of Androscoggin and Representatives: CLOUTIER of Lewiston, JORGENSEN of Portland, MORALES of South Portland, TALBOT ROSS of Portland, WARREN of Hallowell, Senators: CHIPMAN of Cumberland, GRATWICK of Penobscot, SANBORN, L. of Cumberland.

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

Sponsored by Representative GATTINE of Westbrook.
Cosponsored by Senator CHIPMAN of Cumberland and Representatives: CRAVEN of Lewiston, JORGENSEN of Portland, MORALES of South Portland, Senator: SANBORN, L. of Cumberland.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.
REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.
Sent for concurrence.

Bill "An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy"
(H.P. 939) (L.D. 1296)

Sponsored by Representative AUSTIN of Gray.
Cosponsored by Senator DOW of Lincoln and Representatives: ARATA of New Gloucester, BRADSTREET of Vassalboro, DeVEAU of Caribou, HANLEY of Pittston, HUTCHINS of Penobscot, MORRIS of Turner, STEWART of Presque Isle, Senator: GUERIN of Penobscot.

Bill "An Act To Establish the State Board of Dental Hygiene"
(H.P. 946) (L.D. 1303)

Sponsored by Representative MASTRACCIO of Sanford.

Bill "An Act To Extend Protections for Genetic Information"
(H.P. 949) (L.D. 1314)

Sponsored by Representative WHITE of Waterville.
Cosponsored by Representatives: BROOKS of Lewiston, BRYANT of Windham, MARTIN of Greene, STANLEY of Medway, THERIAULT of China, VEROW of Brewer, Senators: DIAMOND of Cumberland, FARRIN of Somerset.

Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.
REFERRED to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed.
Sent for concurrence.

Bill "An Act To Enhance Fish and Wildlife Laws"
(EMERGENCY)

(H.P. 941) (L.D. 1298)

Sponsored by Representative MARTIN of Sinclair.
(GOVERNOR'S BILL)

Cosponsored by President JACKSON of Aroostook and
Representative: MARTIN of Eagle Lake.

Committee on **INLAND FISHERIES AND WILDLIFE**
suggested and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES
AND WILDLIFE** and ordered printed.

Sent for concurrence.

Bill "An Act To Increase Transparency with Regard to
Pawnshops"

(H.P. 933) (L.D. 1290)

Sponsored by Representative HARRINGTON of Sanford.

Cosponsored by Representatives: DeVEAU of Caribou,
MASTRACCIO of Sanford, PICKETT of Dixfield.

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

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

Sent for concurrence.

Bill "An Act To Update the Maine Parentage Act"

(H.P. 934) (L.D. 1291)

Sponsored by Representative CARDONE of Bangor.

Resolve, Directing the Maine Human Rights Commission
To Implement a Pilot Program To Investigate and Report on
Incidents of Harassment Due to Housing Status, Lack of
Employment and Other Issues

(H.P. 937) (L.D. 1294)

Sponsored by Representative TALBOT ROSS of Portland.

Cosponsored by Senator MOORE of Washington and
Representatives: BAILEY of Saco, MAREAN of Hollis,
MOONEN of Portland, Senators: CARPENTER of Aroostook,
CLAXTON of Androscoggin, DOW of Lincoln, GRATWICK of
Penobscot, ROSEN of Hancock.

Bill "An Act To Ease Financial Burdens for Juveniles
Involved in the Justice System"

(H.P. 947) (L.D. 1304)

Sponsored by Representative BAILEY of Saco.

Cosponsored by Representatives: MORALES of South
Portland, TALBOT ROSS of Portland, WARREN of Hallowell,
Senator: CARPENTER of Aroostook.

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

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

Sent for concurrence.

Bill "An Act Regarding the Confidentiality of Investigations
by the Bureau of Forestry"

(H.P. 944) (L.D. 1301)

Sponsored by Representative DUNPHY of Old Town.

Cosponsored by Senator BLACK of Franklin and
Representatives: HICKMAN of Winthrop, MASTRACCIO of
Sanford, WARREN of Hallowell, Senators: DAVIS of
Piscataquis, DILL of Penobscot.

Committee on **JUDICIARY** suggested.

On motion of Representative BAILEY of Saco, **TABLED**
pending **REFERENCE** and later today assigned.

Bill "An Act To Prohibit Employer Disciplinary Action
against Firefighters and Emergency Medical Services Persons
Responding to an Emergency"

(H.P. 954) (L.D. 1319)

Sponsored by Representative GROHOSKI of Ellsworth.

Cosponsored by Senator LUCHINI of Hancock and
Representatives: ALLEY of Beals, GRIFFIN of Levant,
JAVNER of Chester, PEBWORTH of Blue Hill, SCHNECK of
Bangor.

Committee on **LABOR AND HOUSING** suggested and
ordered printed.

REFERRED to the Committee on **LABOR AND
HOUSING** and ordered printed.

Sent for concurrence.

Resolve, To Transfer the Guilford Butler School Property
to the Town of South Thomaston (EMERGENCY)

(H.P. 943) (L.D. 1300)

Sponsored by Representative MATLACK of St. George.

Cosponsored by Senator MIRAMANT of Knox and
Representatives: BEEBE-CENTER of Rockland, EVANGELOS
of Friendship, HUBBELL of Bar Harbor, HUTCHINS of
Penobscot, TIPPING of Orono.

Bill "An Act To Remove Vacancy Provisions for Certain
Positions in County Government"

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

Sponsored by Representative SAMPSON of Alfred.

Cosponsored by Representatives: DOLLOFF of Rumford,
MARTIN of Greene, O'CONNOR of Berwick, ORDWAY of
Standish, STETKIS of Canaan, WHITE of Washburn.

Committee on **STATE AND LOCAL GOVERNMENT**
suggested and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL
GOVERNMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Lower Maine's Individual Income Tax"

(H.P. 935) (L.D. 1292)

Sponsored by Representative O'CONNOR of Berwick.

Cosponsored by Senator DOW of Lincoln and
Representatives: AUSTIN of Gray, DOLLOFF of Rumford,
JOHANSEN of Monticello, LOCKMAN of Bradley, MARTIN of
Greene, ORDWAY of Standish, PICKETT of Dixfield, WHITE
of Washburn.

Bill "An Act To Provide Equitable Tax Treatment to State-
licensed Marijuana Businesses"

(H.P. 957) (L.D. 1322)

Sponsored by Representative JORGENSEN of Portland.

Cosponsored by Senator CHIPMAN of Cumberland and
Representatives: BICKFORD of Auburn, HUBBELL of Bar
Harbor, MAREAN of Hollis, PIERCE of Falmouth.

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

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

Sent for concurrence.

Bill "An Act To Ensure Pedestrian Safety in Roundabouts"

(H.P. 958) (L.D. 1330)

Sponsored by Representative FECTEAU of Augusta.

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

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

Sent for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require State and Congressional Elections To Be Decided by a Plurality of Votes Cast

(H.P. 960) (L.D. 1332)

Sponsored by Representative JOHANSEN of Monticello.

Cosponsored by Representatives: COSTAIN of Plymouth, DeVEAU of Caribou, PICKETT of Dixfield, SKOLFIELD of Weld, Senator: ROSEN of Hancock.

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

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

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Bonny Eagle High School Girls Cross Country Track Team, of Standish, which won the Class A State Championship. We extend our congratulations and best wishes;

(HLS 135)

Presented by Representative MAREAN of Hollis.

Cosponsored by Senator DIAMOND of Cumberland, Representative BLIER of Buxton, Representative ORDWAY of Standish, Senator SANBORN, L. of Cumberland, Senator CHENETTE of York.

On **OBJECTION** of Representative MAREAN of Hollis, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

the Bonny Eagle High School Boys Basketball Team, of Standish, which won the Class AA South Championship. We extend our congratulations and best wishes;

(HLS 136)

Presented by Representative MAREAN of Hollis.

Cosponsored by Senator DIAMOND of Cumberland, Representative BLIER of Buxton, Representative ORDWAY of Standish.

On **OBJECTION** of Representative MAREAN of Hollis, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER:** The Chair recognizes the Representative from Hollis, Representative MAREAN.

Representative **MAREAN:** Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, it is with enthusiasm and pride that I stand this morning to welcome the students and coaches of Bonny Eagle High School to the House to be recognized for their achievements.

The Bonny Eagle delegation of Representative Blier of Buxton, Representative Ordway of Standish and I are so proud of these kids. I'm not sure that we all recognize how positive our schools are in bringing our communities together. These sporting teams and the other extracurricular activities in our schools help to build the fabric that holds our community together. Families prioritize their time to attend these events, sometimes to pack houses. This stimulates our students to excel in their efforts, bringing championships such as the ones that we have here today. It makes us all proud. I sure am proud. And Bonny Eagle's motto is Scot Pride.

Today we have the Lady Scots of Bonny Eagle High School to recognize them for their outstanding achievements. The Bonny Eagle girls cross-county teams have shown their talent and their endurance capabilities by winning state championships several times. Not only did they win it in 2018, but they also won it in 2012, 2013, 2015, and 2016. That's five times out of the last seven years. All of this being accomplished under head coach of Mike Burleson and assistant coach TJ Hesler. We congratulate the Lady Scots on a job well done.

And this year for the first time in 24 years, the Scots boys basketball team won the AA south Regional title. This title is only the third time in the school's history that this has been accomplished. This was the first season for our varsity coach, Coach Trull, who had a coaching -- a 15 and 3 regular season record. He'd been the assistant coach for three years and with his experience and that of the assistance of Coach Kevin Cooper and his extensive coaching experience, they put together a very competitive team. Not state champions, but very close to it. Congratulations to all the Scots on a very exciting year. Scot Pride; thank you.

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

Representative **ORDWAY:** Thank you, Madam Speaker, my esteemed colleagues. I just want to rise and add my congratulations to the girls track team and the boys basketball team from Bonny Eagle. Bonny Eagle, BE Pride we say in our district, and I just want everybody up there to know that we today are very, very proud to have you represent us. Thank you.

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

Recognizing:

the Skowhegan Area High School Speech Team, which won the Speech Sweepstakes at the Maine Forensic Association State Championship Speech and Debate Tournament. This is the team's second state championship victory in three years. We extend our congratulations and best wishes;

(HLS 137)

Presented by Representative AUSTIN of Skowhegan.

Cosponsored by Senator FARRIN of Somerset.

On **OBJECTION** of Representative AUSTIN of Skowhegan, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER:** The Chair recognizes the Representative from Skowhegan, Representative Austin.

Representative **AUSTIN:** Thank you, Madam Speaker, Ladies and Gentlemen of the House. This team is awesome. They've done some terrific work. They've been wonderful to see here today, and I've discovered that we have among them politicians and lawyers and forensic people and people doing investigative work and all kinds of things, so I'm hoping that someday we'll hear one of them speak in the House. And this is the second time in a three-year period when they've won this state championship, so I am just honored to have them here today.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 14, 2019, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Bob Bauman and Hollie Vanderzee, of Harpswell

(HLS 76)

TABLED - February 19, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **PASSAGE.**

The **SPEAKER:** The Chair recognizes the Representative from Harpswell, Representative McCreight.

Representative **McCREIGHT:** Madam Speaker, Women and Men of the House, I rise today to honor people in the town of Harpswell who have given so much to their community. Hollie Vanderzee and Bob Bauman have just received the Red Cross Real Heroes Award for their work with Harpswell Aging at Home, fondly known as HAH.

Through this award, the Red Cross honors everyday people for extraordinary acts. The awards are given to individuals and groups who have made a difference in the lives of their neighbors, who demonstrate acts of kindness and unselfish character in service to others. These qualities describe Bob and Holly perfectly. Both are leaders in HAH, an all-volunteer, community-based effort for and by Harpswell community members dedicated to helping older, low-income adults thrive while aging in place. It started with townspeople recognizing a need and coming together to figure out what to do to help. Maine is the oldest state and Harpswell is the oldest town of its size, with many older adults with limited incomes living in older homes in poor repair.

Bob Bauman, a retired nuclear physicist, and Hollie Vanderzee, a retired nurse and nursing home manager, have been there from the very beginning. Bob has headed up the HAH home repair teams from the start. These teams have worked throughout town, accepting the challenge of making homes of Harpswell's low-income older adults safe, warm, and dry. The installation of safety devices, grab bars, smoke detectors, carbon monoxide detectors; this is standard. But they go way beyond the standard. The home repair teams build wheelchair ramps, repair collapsing floors, seal off mold, repair and create new steps for safe access, and much, much more.

This effort is voluntary on the part of homeowners, too. Residents request this service, qualifying by age and income through a simple screening process, and are treated with the utmost respect from the start of the project to its conclusion.

Hollie has headed up the communication team from the outset. With a brand-new program in town, it was important to get the word out. Hollie is the ultimate motivator and leader, a big picture thinker, who made sure we used all forms of communication to build awareness of HAH and all it offered. Hollie is someone who leads with strength and insight. She's someone you want to say yes to. She's a model of organization and inspiration for others to become involved.

In talking about Hollie and Bob, I've described just two parts of the HAH effort. There's much more. HAH initiated Lunch with Friends and morning calls to help reduce isolation. Lunch with Friends is hugely popular, attracting volunteers and participants from all over town and of all ages. Other groups in town - churches, fire departments, book groups, mutual aid groups - volunteer to host these meals and do the cooking and serving. Meals are also delivered to those who can't get out through the Meals in a Pinch program.

Seniors Connecting is a weekly call program again to reduce isolation. HAH also increased access to transportation in our area of no public transportation, joining an already existing agency serving transportation needs of older adults.

I'm proud to welcome Hollie and Bob and many members of the HAH volunteer and support community and members of Harpswell's town administration and staff to the Statehouse today, and to thank them for their service to Harpswell's older adults. It has often been said that we gain much more than we give and HAH is a prime example, inspiring community members to become involved, to join with Bob and Hollie and the entire HAH team, and to strengthen our entire community through this effort. Thank you, Madam Speaker.

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

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

Expression of Legislative Sentiment Recognizing Gail Hart, of Harpswell

(HLS 77)

TABLED - February 19, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **PASSAGE.**

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

REPORTS OF COMMITTEE

Change of Committee

Representative NADEAU from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Establish a Comprehensive Wildlife Biology Internship Program"

(H.P. 295) (L.D. 386)

Reporting that it be **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS.**

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS.**

Sent for concurrence.

Representative BAILEY from the Committee on **JUDICIARY** on Bill "An Act Concerning Disclosure Requirements for Transfers of Properties Accessed by Means Other Than a Public Way"

(H.P. 622) (L.D. 848)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT.**

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT.**

Sent for concurrence.

Representative BAILEY from the Committee on **JUDICIARY** on Bill "An Act To Ensure Consistency in Commercial Real Estate Law by Restoring Due Diligence Responsibility to the Buyer"

(H.P. 840) (L.D. 1151)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT.**

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT.**

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-6)** on Bill "An Act To Ban the Use of Leadership Political Action Committees for Personal Profit"

(S.P. 68) (L.D. 256)

Signed:

Senators:

LUCHINI of Hancock
HERBIG of Waldo

Representatives:

SCHNECK of Bangor
ACKLEY of Monmouth
ANDREWS of Paris
COOPER of Yarmouth
DOLLOFF of Rumford
HANINGTON of Lincoln
HICKMAN of Winthrop
HUBBELL of Bar Harbor
McCREIGHT of Harpswell
STROM of Pittsfield

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

Signed:

Senator:

CYRWAY of Kennebec

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-6).**

READ.

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

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

ROLL CALL NO. 13

YEA - Ackley, Alley, Arata, Austin B, Austin S, Babbidge, Babine, Bailey, Beebe-Center, Berry, Bickford, Blier, Blume, Bradstreet, Brennan, Brooks, Bryant, Caiazzo, Campbell, Carney, Cebra, Cloutier, Collings, Corey, Costain, Craven, Crockett, Cuddy, Curtis, Daughtry, Denk, Dodge, Dolloff, Doore, Doudera, Drinkwater, Dunphy, Evangelos, Farnsworth, Faulkingham, Fay, Fecteau J, Fecteau R, Foley, Foster, Gattine, Gramlich, Griffin, Grignon, Grohoski, Hall, Handy, Hanington, Hanley, Harnett, Harrington, Head, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hutchins, Hymanson, Ingwersen, Javner, Johansen, Jorgensen, Keschl, Kessler, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Madigan C, Martin J, Martin R, Martin T, Mason, Mastraccio, Matlack, Maxmin, McCrea, McCreight, Melaragno, Meyer, Millett, Moonen, Morales, Morris, Nadeau, O'Connor, O'Neil, Ordway, Pebworth, Peoples, Perkins, Perry A, Pickett, Pierce T, Pluecker, Prescott, Reckitt, Reed, Riley, Rudnicki, Rykerson, Sampson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Verow, Wadsworth, Warren, White B, White D, Zeigler, Madam Speaker.

NAY - None.

ABSENT - Andrews, Cardone, Cooper, Denno, DeVeau, Dillingham, Haggan, Marean, McDonald, McLean, Perry J, Riseman, Roberts-Lovell.

Yes, 136; No, 0; Absent, 13; Excused, 1.

136 having voted in the affirmative and 0 voted in the negative, with 13 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (S-6)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-6)** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act Concerning the Composition of the Criminal Law Advisory Commission"

(H.P. 116) (L.D. 134)

Signed:
Senators:

DESCHAMBAULT of York
ROSEN of Hancock

Representatives:

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

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

Signed:
Senator:

CARPENTER of Aroostook

Representatives:

JOHANSEN of Monticello
PICKETT of Dixfield

READ.

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-18)** on Bill "An Act To Amend Teacher Evaluation Requirements"

(H.P. 78) (L.D. 92)

Signed:
Senators:

MILLETT of Cumberland
CARSON of Cumberland

Representatives:

KORNFELD of Bangor
BRENNAN of Portland
DODGE of Belfast
FARNSWORTH of Portland
FECTEAU of Augusta
INGWERSEN of Arundel

McCREA of Fort Fairfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-19)** on same Bill.

Signed:
Senator:

POULIOT of Kennebec

Representatives:

DRINKWATER of Milford
RUDNICKI of Fairfield
SAMPSON of Alfred

READ.

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

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative **McCREA**: Thank you, Madam Speaker. LD 92 is designed to provide -- and Ladies and Gentlemen of the House, sorry. LD 92 is designed to provide more autonomy and local control to local school districts as they develop and implement their teacher evaluation systems. The bill does not remove the mandate that schools have to implement robust teacher evaluation systems.

As an educator for 48 years, I can tell you that the development of teacher evaluation systems as required under state law dating back to 2012 has been welcomed by most educators. In fact, many teachers appreciate the professional feedback and development embedded in the comprehensive teacher evaluation systems. This stated, one reality we are continually hearing from teachers and administrators implementing these systems as they currently exist, however, is a very real concern about the mandate that requires schools to use student growth measures and standardized test scores in certain cases in teacher evaluation. Most of the teacher evaluation systems being used in our schools, including the Marzano and Danielson models, are simply not equipped to include student growth measures. In some cases, districts have shoehorned these current state requirements into their evaluation systems while others have struggled to find meaningful ways to include these elements.

I understand that since the adoption of statewide mandated teacher evaluation systems, this committee -- the Committee on Education has dealt with this issue every legislative session. From my perspective and from what I have been hearing from professionals in the field, we need not undo the great work that is being done. Instead, adoption of this bill will help alleviate some of these concerns and issues while still giving local school districts the ability to build the best teacher evaluation systems possible while meeting their own local needs.

Many school districts were reluctant to use student growth measures and standardized test scores in their teacher evaluation systems due to the fact that for all too many reasons, they are at best a poor measurement of teacher

effectiveness. Among the pitfalls of the current system are competent teachers find the student learning objectives, called SLOs, which require a baseline pre-instruction assessment followed later by a post-instruction assessment, to be very time-consuming and of little or no value to inform their teaching instruction. Very competent teachers whose classes may include a disproportionately high number of either low-achieving students or students identified to receive special services find themselves often confronting the reality where their evaluation is affecting negatively when student assessments are used a part of their professional evaluation. Despite the very best of intentions, the SLO process is all too easily manipulated by some of the lesser competent teachers to show falsely inflated evaluation of their effectiveness. It's become somewhat fashionable for students to refuse to take tests, especially standardized tests, with or without parental permission or to intentionally perform very poorly on a given assessment, also creating a very unfair representation of teacher effectiveness under the current evaluation system.

This amended bill will not undo the good work done by school districts across the state. Instead, it simply removes the mandate that student assessments must be used in these current systems. If the local steering committee is given -- in a given district finds the current system to be working for that district, the system will need little or no alteration. This bill provides as amended, the amended title of the bill will be "An Act to Amend Educator Evaluation Requirements". LD 92 as amended would remove the student performance SLO portion of the school system's teacher evaluation plan as a mandate and instead leave the matter up to local option. And, additionally, if adopted, LD 92 will require the local steering committees in the districts be compromised of a majority of teachers chosen from their local bargaining unit, not to be confused with the union. If the teachers are covered in that district by any collective bargaining unit -- bargaining agreement, further, the decisions in the steering committee must be reached by consensus.

I strongly urge your support of this very important bill and I ask that you follow my light. Thank you, Madam Speaker.

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

Representative **FECTEAU**: Thank you, Madam Speaker and my esteemed colleagues. I am a teacher and I rise in support of the Majority Report and of teachers and principals.

This bill recognizes that the Maine education assessment and other broad-brushed standardized test measurements of student growth do not only cover all of the content areas, they often run perpendicular to how learning is conducted in the classroom. This returns the evaluation formula authority back to the local school district so they can decide the best path forward. This bill is pro-teacher. I urge my colleagues to support it. Thank you.

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

ROLL CALL NO. 14

YEA - Ackley, Alley, Andrews, Arata, Austin B, Austin S, Babbidge, Babine, Bailey, Beebe-Center, Berry, Bickford, Blier, Blume, Bradstreet, Brennan, Brooks, Bryant, Caiazzo, Carney, Cebra, Cloutier, Collings, Corey, Costain, Craven, Crockett, Cuddy, Curtis, Daughtry, Denk, Dillingham, Dodge, Dolloff, Doore, Doudera, Drinkwater, Dunphy, Evangelos, Farnsworth, Faulkingham, Fay, Fecteau J, Fecteau R, Foley, Foster,

Gattine, Gramlich, Griffin, Grignon, Grohoski, Hall, Handy, Hanington, Hanley, Harnett, Harrington, Head, Hepler, Hickman, Higgins, Hobbs, Hutchins, Hymanson, Ingwersen, Javner, Johansen, Jorgensen, Keschl, Kessler, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Madigan C, Marean, Martin J, Martin R, Martin T, Mason, Mastraccio, Matlack, Maxmin, McCrea, McCreight, Melaragno, Meyer, Millett, Moonen, Morales, Morris, Nadeau, O'Connor, O'Neil, Ordway, Pebworth, Peoples, Perkins, Perry A, Pickett, Pierce T, Pluecker, Prescott, Reckitt, Reed, Riley, Riseman, Rudnicki, Rykerson, Sampson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Verow, Wadsworth, Warren, White B, White D, Zeigler, Madam Speaker.

NAY - None.

ABSENT - Campbell, Cardone, Cooper, Denno, DeVeau, Haggan, Hubbell, McDonald, McLean, Perry J, Roberts-Lovell.

Yes, 138; No, 0; Absent, 11; Excused, 1.

138 having voted in the affirmative and 0 voted in the negative, with 11 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-18)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-18)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment, Thursday, March 14, 2019, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing the Oxford Hills Comprehensive High School Girls Varsity Basketball Team, of South Paris

(HLS 119)

TABLED - March 12, 2019 (Till Later Today) by Representative DILLINGHAM of Oxford.

PENDING - **PASSAGE**.

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

Representative **DILLINGHAM**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I extend my congratulations to the Oxford Hills girls basketball team and their coaches on the school's first state championship in girls basketball. Coach Pelletier has done a tremendous job through the years of assisting with the building of the youth

basketball program within our area. He has put in many hours encouraging and teaching the many players that have passed through the program over the years. Thank you and thank you for your time and dedication.

Assistant coaches Corbett and Colby have also dedicated many hours over the years coaching youth basketball and travel teams along with volunteering to referee youth games. Thank you for all that you do, especially while watching your own children play in the past and in the present.

Girls, it truly is a pleasure to watch you play, to see your teamwork and support for each other, your love and dedication to the game. It is inspiring and your hours of hard work, scrapes, bruises, and injuries have all paid off, resulting in this state championship.

Congratulations and don't forget to thank your parents and loved ones, who I know are so very proud of you, just as the rest of us from the Oxford Hills area are. Well done, and I look forward to seeing many of you play again next year.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-20)** on Bill "An Act To Require the State To Fund Teacher Retirement"

(H.P. 336) (L.D. 427)

Signed:

Senators:

MILLETT of Cumberland
CARSON of Cumberland

Representatives:

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

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

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

READ.

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

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report..

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

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

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This effort is essentially to -- for the State to now pick up the additional 50% of teacher retirement, which will give us a price tag of over \$50 million a year. Although this is a very honorable thing to be taking upon ourselves as a state, I think we've already expended our funds, so I would request Ought Not to Pass on this.

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

Representative **BRENNAN**: Thank you, Madam Speaker, Men and Women of the House. In 2013, the State said every local municipality will now assume half the cost of teacher retirement. Half the cost. What was the policy implication of that? Nothing. It was simply a cost shift from the State --

The SPEAKER: The Representative will defer. The Chair will remind the Representative and all Members to please address all comments towards the rostrum and not towards other Members.

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

The SPEAKER: The Representative may proceed.

Representative **BRENNAN**: Thank you, Madam Speaker. It was a cost shift, pure and simple. And that cost shift has resulted in millions of dollars of local money being raised through property taxes to pay for teacher retirement. What this bill does is simply restore back to the levels of 2013 the state obligation to pay for teacher retirement, to pay it for at 100%. I think this is one of the purest, simplest, and most direct ways this session that we might see property tax relief and I urge you to support the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Madam Speaker. For about five years, I've promoted the notion that this indeed was a direct shift after approximately 70 years of state obligation onto the locals. They have absolutely no say about anything involved in the state teacher retirement system except when they do negotiate their salaries locally and when they do hire staff, that will tend to drive that cost up. But as far as any operation of the normal cost of teacher retirement, which is the employee -- excuse me, the employer share that is taken out of a check, they don't have any say in that amount whatsoever. However, I was certainly in hopes that this might've been built in to the budget and turned back the way that it should've been done. It has not been done that way and I cannot support this today even though I strongly have believed in it, again, because I just don't see where that money is going to come from. So, I would urge people to vote no on this item.

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

Representative **STEWART**: Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I've previously served on the Education Committee so I'm familiar with this issue and I would concur with the remarks that have been made from some of my colleagues today that if this is to be a priority of the State, it should be, in fact, captured within the State's biennial budget. As a standalone measure, \$25 million a year, it's never going anywhere and it's disingenuous to the people to suggest that if we just pass this bill today it will

all be worked out. If it is a priority, it should be raised to the level of priority, incorporated within the budget, just like in 2013 when it was maneuvered into the budget then.

So, I would encourage the folks that do want to see this actually pass to work with the Appropriations Committee to try to make that happen. Thank you.

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

ROLL CALL NO. 15

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

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

ABSENT - Cardone, Cooper, Denno, DeVeau, Haggan, McDonald, McLean, Perry J, Roberts-Lovell.

Yes, 86; No, 54; Absent, 9; Excused, 1.

86 having voted in the affirmative and 54 voted in the negative, with 9 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-20)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-20)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Bill "An Act To Change the Name of Columbus Day to Indigenous Peoples Day"

(H.P. 142) (L.D. 179)

Signed:
Senator:

CLAXTON of Androscoggin

Representatives:

MARTIN of Sinclair
BRYANT of Windham
EVANGELOS of Friendship
PEBWORTH of Blue Hill
RISEMAN of Harrison
VEROW of Brewer

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

Signed:

Senators:

DAVIS of Piscataquis
DESCHAMBAULT of York

Representatives:

HEAD of Bethel
KINNEY of Knox
TUELL of East Machias

READ.

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

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

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

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

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. And the reason I do that is I'm sure all of us as children were reminded by our parents to never say anything about someone if you can't say something nice. And also that you can't make yourself bigger by trying to make someone else smaller. You can't build yourself up by tearing someone else down. Sadly, this bill does just that. Christopher Columbus was a heroic explorer and a deeply moral man but, like all men, he was not perfect. But he did through incredible act of bravery and courage and exploration discover South America. He never did discover North America. Someone from the continent of Europe sooner or later was going to discover this continent. Would we erase them from our history as well? And that's what this bill does. It erases from our common history a man, an imperfect man, and men that came after him, some were horrible and some were heroes. That's human nature. We can't legislate human nature.

So, in keeping all of this in mind, that, you know, the reason we stand in this room, in this chamber, is because someone discovered this continent. That started in motion all the activity that created our culture and our civilization on this continent and it is imprudent for us to try to erase it and erase this man out of that picture. He is key to it. So, I -- you know, to honor the Native Americans is a solidly wonderful idea. I embrace it. But to erase another man to do this is not the proper way to do it. I ask you to vote against this measure and let's promote a measure of selecting a day that the Native Americans themselves would choose and honor them with that day. Please follow my vote and defeat this measure. Thank you.

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

Representative **TALBOT ROSS**: Thank you, Madam Speaker, distinguished Ladies and Gentlemen of the House. I rise in strong support of this bill, which is long overdue, and wish to offer my personal comments but believe the most powerful voices are those who have been most impacted but are unable to speak for themselves on this House floor. So, it is my honor to be able to do so on behalf of the Penobscot Tribal Ambassador Dana.

Thank you to Representative Talbot Ross for delivering this message and for your constant support of the indigenous people of Maine. Thank you to Representative Collins for supporting this bill at the request of the Penobscot Nation and for being a true ally and friend. Thank you to the state and local government committee for passing this bill and ensuring it sees the floor here today.

The Penobscot Nation is one of five Wabanaki indigenous tribes that span all corners of Maine. Our people have lived here for thousands of years and made countless contributions in both historical and modern context. Our stewardship of the lands and waters are part of what makes our state pristine and worthy of the nickname Vacationland. We have humbly requested that these contributions be acknowledged and appreciated in a way that may seem symbolic but is very significant in correcting the narrative of history and validating the truth and what is worth honoring.

Replacing Columbus Day with Indigenous Peoples Day is a national movement that has occurred in upwards of 50 cities and a handful of states being considered right now, with a few already making the change. Maine towns and cities have been already moving in this direction, including Belfast, Orono, Starks, Goldsboro, Portland, Bangor, Brunswick, and Bar Harbor all making these changes over the last few years. This is important because Christopher Columbus, while making an important impact on history, was also a war criminal and is the symbolic genesis of the idea that indigenous people of the Americas were a savage and inferior race that should be exterminated in order for progress and colonization. Also, he did not discover anything because there were people already here. He did not actually step foot in North America, so having a holiday that credits him with the founding of our country is not only outdated but deeply offensive and hurtful to the descendants of the indigenous people that were targeted for systemic genocide not only in the settling of America but in the generations that have followed through attacks on our identity and culture.

Native children being removed from families and placed in government-run boarding schools, to kill the Indian to save the man. These are all forms of genocide. We are still living with the intergenerational trauma of the hundreds of years of assault on our numbers, resources, heritage, traditions, and the fact that a professional football team in our nation's capital calls themselves a mascot that is a slur against our race. Celebrating a man that used unspeakable cruelty against indigenous people and saw us as less than human sends a message to us that we are invisible and still inferior in our own homeland. This is the change of a name of a holiday but is also so much more. Symbols, names, and what is validated by institutions and government are significant and have real impact because they shape the attitudes and behaviors of groups in society and can lead to inequality and racism. When a group is seen as less as human than another group, it becomes more acceptable to discriminate against them. We

would never give Hitler a holiday but we all learn about him. The same theme should be taken with Columbus.

I ask you to be good neighbors to the indigenous nations in your state and districts. I ask you to help us on our journey in healing. I ask you celebrate the beauty and rich heritage we bring to Maine. I ask you to come to terms with realities of history and not gloss them over to make them more palatable. I ask you to place the wellbeing of indigenous nations over the need for the comfort of the colonizers that have written history. When we walk forward in truth and mutual respect, the unity will make us all stronger and a better state and country. Thank you, Madam Speaker.

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

Representative **MARTIN**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. Very briefly, I was asked this morning why I support this piece of legislation and why I voted for the Majority Report. And the response was clear and simple. We have a new sheriff in town, we have a new Chief Executive, we have a new administration, and our Chief Executive made it very clear during her inaugural address that she wanted to improve the relationship with our Native Americans.

I was here during the 127th Legislature and in previous Legislatures, and I recall seeing three members sitting in the front row here from our tribes, from our Native American tribes. They're no longer here. This bill, in my opinion, and in the opinion of folks that support this bill on the state and local government committee will clearly improve our working relationship and maybe someday we'll see our three representatives returning in the front row here.

Thank you very much, and I would ask you to support the pending motion.

The **SPEAKER**: A reminder to Members to not use the Chief Executive to influence debate -- mention of the Chief Executive's position to influence debate.

The Chair reminded all members to refer to the Chief Executive as the Chief Executive.

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

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

Earlier, the Representative from Pittston mentioned we should encourage a different day to celebrate the indigenous people. And in 2008, our nation did just that. President George W. Bush signed into law legislation introduced by Congressman Joe Baca from California, designating the Friday after Thanksgiving, it's the Friday after the fourth Thursday is the words in statute, designating that day as Native American Heritage Day.

I encourage you to vote against the pending motion because we already have a day and I think we should encourage that day and keep it completely separate so we don't forget our nation's history. As bad as it was, it's our history, and forgetting that history eventually, as the saying goes, when you fail to learn it, you repeat it. And I didn't say that quite right but that's what can happen, we're doomed to repeat history. And I think we should vote against the pending motion and encourage additional support of Native American History Day because they are important to our history. Thank you.

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

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

The times have changed. In small towns in Maine, in more urban parts of Maine, and in towns and cities across this country, in states across this country, and now there's a national movement to replace Columbus Day with Indigenous Peoples Day. This is something that is backed by the Indigenous People Day. With all due respect, if a president previously has created a day he wanted to honor Native American people, that is not the day which they wish to be honored. This is the day they have asked for. I would humbly ask everyone in this body to think about this before voting. Any time a Native American community asks for us to consider something, we should weigh on it very carefully as they don't have a voice here to vote. So, we are voting on their wishes today. So, as we see the progress moving forward, it's just a matter of time before -- if we don't do it state by state, nationally there will be an Indigenous Peoples Day.

Now, I understand the intent behind Columbus Day. It was a time, just like today, when there's discrimination against immigrants, back then there was severe discriminations against Italian-Americans. And, so, rightfully so, they wanted a day to be honored and recognized and be a part of the fabric of this country. Columbus Day was given to them to recognize them for what they did and that happened to be someone at the time that was a well-known Italian. So, that was the reason why they put Columbus Day there. We still can honor Italian-Americans in this country, as we all do. We can have a day just like we have St. Patrick's Day for Irish people or for many other groups, but what we're talking about today is something very different. We're talking about a day that we were taught is to talk about the founding, the discovery of this country. So before I get into any more about atrocities or at the time what was acceptable for people to do, I just want to say we've been celebrating a day of someone who is thought to have discovered this country, which he didn't. He did not discover the United States of America, he did not set foot here, and there were already people here. And, shifting a little bit to what's real in the State of Maine is for over 12,000 years we've had indigenous communities which are represented today by the Wabanaki, we have five tribal communities here, as you all know, from Micmac, Maliseet, two Passamaquoddy communities, and the Penobscot. And I don't know much about what Columbus had to do with the history here but I know the Wabanaki have everything to do with the history of this state. To the names of our counties, our towns, our rivers, our lakes, our mountains; it's steeped in the history here and Maine is not who we are without the influence of these people. The Wabanaki, many of the tribes were some of the first to help sign treaties with Washington to fight the British, up until recently, unless it's changed, Native Americans have had the highest percentage of any group to serve in the military. They're very part of our community in Maine and this country. They've asked to be honored with this, they are not honored by Columbus Day.

I think this is the first positive step forward of many issues we're going to be facing this session. I think this sets the right tone. The tribes have asked us to vote for this. I hope we all can do that today. Thank you.

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

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

While we all regret the atrocities of the past, changing or erasing Columbus Day cannot undo them. The exploration of Columbus, along with the taking of the Black Hills, the building of the railroads, and people moving across the vast expanse of the continent, resulted in some regrettable circumstances in our history. But as regrettable as these are, they are still part of America's story. We can't change what has occurred in the past and we certainly don't condone what has happened. I would rather encourage all of us to celebrate all of our accomplishments since that time, with the hopes that we have learned enough from our past so that similar things will not occur in the future. Thank you, Madam Speaker, and thank you, Ladies and Gentlemen of the House.

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

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

I have the privilege and the opportunity to work with the two Passamaquoddy reservations and try to represent their people in this state. This country is great for honoring people who have had -- who have been an important part of our history. However, I feel that we have failed to remember the people who were instrumental in the survival of the first immigrants. If not for the Passamaquoddy, the French on St. Croix Island would not have survived the winter in order to move north. The pilgrims, the reason we celebrate Thanksgiving, would not have survived that first winter without native help. There are many other examples of this and it is time we honor the peoples who were here first.

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

Representative **HUTCHINS**: Thank you, Madam Speaker, Members of the House. Great points on both sides here today on this issue and we do have a lot to be thankful for, for all of the Indian history in this area and how much it has added to the State of Maine and the country, for that matter of fact. But I rise in opposition to this only because of changing history and, in my opinion, we shouldn't cavalierly change history.

I can read you just a little snippet of one of my original ancestors to this area, whose name is Enid Hutchins. He was married 1867 and in 18 -- no, he died in 1863, sorry about that. He was married to a Stevens in 1851 but in 1863 during the French and Indian Wars, he was killed while standing in the door of his house in an Indian raid and three of his sons, Benjamin, Samuel, and Jonathan, were taken to Canada as slaves. And it was three years before Benjamin came back, it was two years before Samuel came back, and it was seven years before Jonathan came back. And Jonathan would be my great-grandfather on that line.

So, my point in this is that atrocities were done all over the place and so we shouldn't change history. A few generations after that, one of my great-grandmothers is a Wabanaki, and I'm very proud of that. So, I think maybe combining the two might be a more proper way to do it but I think just ignoring Columbus Day is probably not a good idea. Another thing that may come from this might very well be the fact that we'll do a better job of remembering all of these histories. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Madam Speaker. I want to give my thanks to the comments of Representative Collings and Representative Hutchins. I think both speak from the heart.

Madam Speaker, Ladies and Gentlemen of the House, I rise today to support the concept that this October commemoration that for the past century and a quarter has been called Columbus Day be expanded in content as a teachable moment. Born when this country was surging in prosperity and national identity at the Columbian Exposition in 1893, Columbus Day became the day of American pride, a celebration of courage and accomplishment, a reason that every elementary child who identified as American could look at the flag that represents the success and prominence of modern America, which had an evolutionary beginning in 1492. Indeed, like any culture, the first responsibility in learning is about one's own culture. And for most of our nation's past we taught our children about western civilization, the spread of culture from Mesopotamia and the Nile, through Greece and Rome, to western European nations and the spread of western culture through expanding world empires, including the fruit of the Renaissance and later the scientific revolution and the Enlightenment, including law and justice. The single greatest expansion of European influence resulted from the voyage of 1492 that resulted in what was the discovery of America for greater Europe. The human discovery of America happened thousands of years earlier, but the European discovery of America, the discovery that informed Europe and transformed its wealth, was this 1492 event. The migrations of Europeans that followed resulted in the creation of the United States of America, a nation that has changed itself over time to be a constitutional republic that many people here and abroad believe is the hope of the modern world. But too often, the story has been told with arrogance and jingoism. A century ago when we celebrated this holiday, our chest-beating celebrated conquest; conquest for the flag, for riches, and for Christianity, while dismissing the humanity of the conquered.

In the late-1800s, at the turn of the century 1900, America's newest immigrants from the Mediterranean, struggling to find acceptance, championed this Italian-speaking mariner, Cristoforo Colombo, who, in fact, sailed for Spain. And, a half century later, when the fascist threat challenged America to its core in World War II, Samuel Eliot Morrison wrote the much-heralded biography *Admiral of the Ocean Sea*, which elevated a heroic Columbus by trumpeting his courage. And we as a nation emerged from this period as the world's only military and economic superpower. But a little more than a half-century ago, Americans came to realize that the history being taught was selective and incomplete. American schools by varying degree put more emphasis on multicultural education, including recognition and even celebration of diversity; diversity of race, religion, and ethnicity, to combat what had become a counterproductive ethnocentrism in the United States. American ignorance of the world, ignorance even by our leaders, became recognized as a national security weakness in an elected democracy. This brought a new examination of culture which was coupled by the Civil Rights Movement, the Youth Movement, and the Women's Movement all bringing attention and legitimacy to the act of protest. Attention was demanded by Indian activists to the long tragic history of native people from the colonial wars through the Imperialism we call Manifest Destiny, through 20th century marginalization.

Too often, history is written by the winners. But good teachers during this past half-century have used their classrooms for meaningful discussion beyond the textbook of both the pros and cons of governmental actions, of brutal retribution by natives and by whites, and of consequences. The tragic mistreatment of a diminished native people in America must be told as part of the American story. Why? Because history is about establishing facts and using them as evidence for hypotheses to try to explain why events unfolded as they have. We must understand where we have been in order to properly determine where we are going. The pursuit of justice requires truth. Much of the American story is about human responses to the challenges of cultural differences among Americans and between Americans and foreign nationals. Five centuries ago, all the cultures were brutal by 21st century American standards of law and justice. Although Columbus himself denied discovery of a new world (he insisted that he had reached Asia), he was the catalyst for the amazing exchange of knowledge, technology, food, animals, and even disease derived and prevalent in the cultures of Europe and America. Columbus's accomplishment of reaching America transformed the history of the planet. That transformation deserves unbiased study and understanding. What is at the center of this event in 1492 is the meeting of cultures. Rather than Columbus Day, this day should be about cultural awareness and cultural appreciation. It should be used to understand cultural consistencies and cultural differences. Perhaps the Argentinians have it right. They celebrate October 12th as a Day for the Respect of Cultural Diversity.

What should we teach our children? That despite differences in language, religion, or custom, human beings are essentially the same, valuing family and preaching virtue and teaching means of survival. If we listen, our children can teach us to accept change and break down barriers. We must use this holiday to scale the biggest hurdle in human interaction; to learn not to fear people who are different from ourselves. Many good teachers in American classrooms try to teach cultural awareness. Let's give them a hand. What has not been adequately recognized in adult society is the rich story of the many indigenous peoples of America. It is important that ultimately we value people not for conquest, the ability to subjugate others, but for the admirable and even heroic qualities; yes, values that men and women have exhibited in history on winning sides and on losing sides, of all cultures. The American mission of liberty and justice for all, challenges us to recognize people for their humanity, for the richness of their culture, and to realize that despite what may seem to be strange differences, what is central to us all is family, community, and hope for the future.

I truly believe this country is a great country. A beacon for the modern world. Part of our greatness is our openness, our commitment to truth and understanding. History is the story of people. The year 1492 marks western culture's first consequential interaction with neighbors they didn't know they had; America's indigenous people. It is for this reason that today I will vote to recognize Indigenous Peoples Day. Thank you, Madam Speaker.

The SPEAKER: A reminder to Members: Please address all comments to the rostrum and also when referring to other Members, you can refer to them as the Representative from, blank, the town they are from. Do not refer to another representative by name on the floor of the House. The Chair recognizes the Representative from Auburn, Representative Bickford.

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

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

Representative **BICKFORD**: Well, as quite often as I did in high school, I caught myself dozing a little bit, and I just want to clarify; there's no quiz later today in history, is there?

The **SPEAKER**: The Chair will answer in the affirmative. There is no quiz, merely a vote. The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Madam Speaker, Men and Women of the House. Just within my lifetime, we've had archaeological evidence that both the Portuguese and the Norse were Europeans who visited North America before 1492. Now, Cristobal Colon, who was the man that Isabella and Ferdinand hired, was a great navigator and a brutal individual. And the descendants of immigrants in this room should be thankful that the inhabitation of the Americans have allowed us to stay in their country. Thank you.

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

Representative **ACKLEY**: Thank you, Madam Speaker, my friends of the House. I rise to support this motion.

It's been noted that we all know that sometimes kids don't listen but they certainly watch us. Powerful lessons are learned when adults have led by example. Today we have an opportunity to shed light on history's story by using the days that we set aside, our holidays, to inspire our future.

Maine's holiday on the second Monday in October should become Indigenous Peoples Day because we should be paying tribute to the original habitants of this continent, the indigenous people, for many reasons. In fact, certain elements of our 200-year-old Constitution were concepts that George Washington and Benjamin Franklin borrowed from the Iroquois Confederation, including the separation of powers, the notion of checks and balances, the freedoms of speech and religion. We should be giving credit where credit is long overdue.

The highest principles of American self-government are when our nation strives for truth and justice. America did that when we abolished slavery, we did it again when we supported the women's right to vote. In fact, we ratified the 19th Amendment in this chamber almost a hundred years ago. And, again, America did it when we enacted Civil Rights legislation in the 1960s. It takes bravery to continue reaching for a more perfect union. When we teach our children truth and we honor those who have come before us - the founders, the explorers, and the indigenous ones included - we continue that tradition. Our holidays should commemorate our most valuable lessons so that they can be learned by every future generation. So, it's an honor for me to support this legislation and I hope you follow my light.

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

Representative **RECKITT**: Madam Speaker, I rise today in support of this bill. I had not intended to speak but as I sat here and I began to think of my old friend, Ruth Jewell, whose home was on Indian Island and who worked with me for decades in the National Coalition Against Domestic Violence. In fact, the year that I was the president of that organization nationally, the next year Ruth followed me in that role and has worked tirelessly on behalf of violence against women all over the country but particularly for native women. And so I rise today not just for myself but, frankly, to raise the voice and the strength of all of the women in the indigenous world of the Micmacs and the Passamaquoddies and the Penobscots in

this state who work tirelessly on behalf of all women in the state, and I want to just raise their voices today in this debate and ask you all to vote yes. Thank you.

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

Representative **SYLVESTER**: Thank you, Madam Speaker. I rise today not to talk about the past, not to talk about the honor or dishonor of those who came before us. Speakers today have talked about inability to change history and I'm not going to argue that point. Yet what lies before us in this chamber, is the future. We stand in this august body to vote, to speak, to honor those that are here today and those that will come after us. As I stand to vote today, I do not ask who in the past struggles that I hope to support, although I clearly support the First Nations. My home, Peak's Island, was a summer home for the First Nation's citizens but that is not how I'm casting my vote. I vote for my children, for the children of Maine's First Nations, that they may stand as equals, that they look not only at their history, but at their future with clear eyes together.

We cannot change what people stood for in the past, we can define what we stand for here today, and what we hope for the Maine of the future. I therefore ask you on behalf of my good friend, Margot Lodge-Seven Oakes, to support the pending notion and to support Indigenous Peoples Day. Thank you very much.

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

ROLL CALL NO. 16

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

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

ABSENT - Cardone, Cooper, Denno, DeVeau, Dillingham, Haggan, McDonald, McLean, Perry J, Roberts-Lovell.

Yes, 88; No, 51; Absent, 10; Excused, 1.

88 having voted in the affirmative and 51 voted in the negative, with 10 being absent and 1 excused, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**

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

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Bill "An Act To Provide for Legislative Review of Federally Mandated Major Substantive Rules under the Maine Administrative Procedure Act"

(H.P. 209) (L.D. 285)

Signed:

Senator:

CLAXTON of Androscoggin

Representatives:

MARTIN of Sinclair
BRYANT of Windham
EVANGELOS of Friendship
PEBWORTH of Blue Hill
RISEMAN of Harrison
VEROW of Brewer

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

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

HEAD of Bethel
KINNEY of Knox
TUELL of East Machias

READ.

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

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

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

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

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

The current subsection 8074 in Title 5 -- in order for -- let's see, let me read this -- major substantive rules that must be adopted to comply with federal law or regulations or to qualify for federal funds and over the adoption of which the

agency exercises no option or discretion are not subject to the legislative review requirement of this subchapter unless they impose requirements or conditions that exceed the federal requirements. It goes on a little bit further, but by repealing this subsection of Maine law, we could potentially lose federal funding crucial to the operation of our state's budget and I hope you will join me in opposition of the pending motion. Thank you.

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

Representative **TUELL**: Thank you, Mr. Speaker. I also rise in opposition to the pending motion mainly because the vast breadth of federal rules and whatnot that comes down that impact all of our committees. Like, take marine resources, for example. We have some very monumental stuff coming down, whether it be from federal or interstate agencies that could impact our fishing industry. If we, for lack of a better term, dither over whether we're going to do and what we're going to do and get into the middle of all of these rules, we might well just not have a fishery. We could -- this could be a very dangerous ground we're treading on, so I would simply caution people against supporting the pending motion, therefore I will be voting in opposition.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, there clearly is some confusion regarding this piece of legislation.

If a legislature -- or if this body enacts a piece of legislation that authorizes an agency or department to go ahead and move forward with rulemaking, there are two ways that that can occur. One is simply rulemaking and they can adopt it, hold public hearings, hold forums, and it's clearly a rule. However, if a legislature requires that the rule come back to the full body of the legislature prior to enactment, that provision is called major substantive rules, and that's current statute in Maine law. Unfortunately, if the federal government moves forward with a rule and if it's major substantive, the current Maine statute exempts the feds from any oversight by the legislative process. Enactment of this piece of legislation will equal the balance it will provide that the federal government if, in fact, they move forward with a major substantive rule, it must come back to the legislature for final approval. Thank you, Mr. Speaker, and Ladies and Gentlemen of the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Montville, Representative Zeigler.

Representative **ZEIGLER**: Thank you, Mr. Speaker, Members of the House. I stand in support of this bill.

It's essentially a state's rights bill and we should not give to the federal government the ability to make rules that are Maine rules. Thank you very much.

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

ROLL CALL NO. 17

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Carney, Cloutier, Collings, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield,

Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Peoples, Perry A, Pierce T, Pluecker, Reckitt, Riley, Riseman, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler.

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

ABSENT - Cardone, Cooper, Denno, DeVeau, Haggan, McDonald, McLean, Perry J, Roberts-Lovell, Madam Speaker.

Yes, 84; No, 55; Absent, 10; Excused, 1.

84 having voted in the affirmative and 55 voted in the negative, with 10 being absent and 1 excused, and accordingly the Majority **Ought to Pass Report** was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 24) (L.D. 71) Bill "An Act To Reinstate the Income Tax Deduction for Contributions to College Savings Accounts" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-5)**

(H.P. 480) (L.D. 659) Bill "An Act Regarding the Use of Interchangeable Biological Products" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 113) (L.D. 131) Bill "An Act To Permit a Veterans Organization To Lease Its Facility to an Organization That Is Registered To Operate Beano or Bingo Games without Obtaining a Commercial Beano Hall Permit" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-16)**

(H.P. 215) (L.D. 291) Bill "An Act Regarding Responsibility for the Overpayment of Claims" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-17)**

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

There being no objection, the Senate Paper was **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.

ENACTORS

Emergency Measure

An Act To Extend the Duration of Temporary Licenses for Sale and Consumption of Liquor

(H.P. 98) (L.D. 116)

(C. "A" H-5)

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

Acts

An Act To Protect Shooting Ranges

(H.P. 65) (L.D. 79)

An Act To Eliminate Gross Metering

(H.P. 77) (L.D. 91)

(S. "A" S-4)

An Act To Allow Flexibility in the Deposit Labeling of Metal Returnable Beverage Containers

(H.P. 263) (L.D. 338)

An Act To Amend the Brunswick Sewer District Charter

(H.P. 272) (L.D. 346)

An Act To Fund Services for Blind and Visually Impaired Persons at the Maine State Library

(H.P. 291) (L.D. 382)

(C. "A" H-7)

An Act To Protect Vulnerable Adults from Financial Exploitation

(H.P. 410) (L.D. 566)

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

Resolves

Resolve, Directing the Secretary of State To Review the Revised Uniform Law on Notarial Acts

(H.P. 293) (L.D. 384)

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment, Thursday, March 14, 2019, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Account for Market Change in the Adult Use Marijuana Excise Tax"

(H.P. 799) (L.D. 1076)

- In House, **REFERRED** to the Committee on **TAXATION** on March 5, 2019.

- In Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in **NON-CONCURRENCE**.

TABLED - March 12, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **FURTHER CONSIDERATION**.

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

Bill "An Act To Create the Science and Policy Advisory Council on the Impact of Climate Change on Maine's Marine Species"

(H.P. 926) (L.D. 1284)

(Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested)

TABLED - March 14, 2019 (Till Later Today) by Representative TUCKER of Brunswick.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **MARINE RESOURCES**, ordered printed and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-14)** - Committee on **MARINE RESOURCES** on Bill "An Act To Simplify Apprenticeship Requirements for Student and Apprentice Lobster and Crab Fishing License Holders"

(H.P. 238) (L.D. 314)

TABLED - March 14, 2019 (Till Later Today) by Representative McCREIGHT of Harpswell.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

Representative FAULKINGHAM of Winter Harbor **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 PRO TEM: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I speak in favor of the Minority Report on LD 314, which is an Act to Simplify Apprenticeship Requirements for Student Apprentice Lobster and Crab Fishing License Holders. This bill will allow license holders the option of reporting landings in lieu of logbooks. If a license holder can verify landings of 4,000 pounds before their 18th birthday, the landings will qualify as meeting apprenticeship requirements. It will do nothing to change current law requirements with logbook hours remaining an option. The purpose of the logbook program is to prove proficiency. This will provide a way to truly prove proficiency and lessen the burden of paperwork on both the license holder, the department, and I want a system that holds people accountable, proves proficiency, and reduces paperwork. This

is a commonsense fix that will be good for the industry, the fishing families, the apprentices, and the DMR.

This is truly a nonpartisan bill. It does what we are here to do, and that is to make people's lives a bit easier and reduce bureaucracy. I urge the members of the House to support the Minority Report and vote no on the motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harpswell, Representative McCreight.

Representative **McCREIGHT**: Thank you, Mr. Speaker. I would encourage Members to support the Ought Not to Pass Report because though I understand the intent of the bill, it does not accomplish that. It, in fact, sets up a double system at not only greater bureaucracy, but greater expense. It also doesn't provide the oversight and the attainment of proficiency that is the intent of the apprenticeship license. So, again, well intended but not the way to get there. It was opposed by major lobster associations and by the department. Thank you.

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

ROLL CALL NO. 18

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

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

ABSENT - Cardone, Cooper, Denno, DeVeau, Haggan, McDonald, McLean, Perry J, Roberts-Lovell, Madam Speaker.

Yes, 82; No, 57; Absent, 10; Excused, 1.

82 having voted in the affirmative and 57 voted in the negative, with 10 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

SENATE PAPERS

Bill "An Act Regarding the Sale of Dogs and Cats at Pet Shops"

(S.P. 407) (L.D. 1311)

Bill "An Act To Revise the Laws Regarding the Public Trust in Intertidal Lands"

(S.P. 411) (L.D. 1323)

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Promote Safe Schools through the Creation of the Safe School Climate Council"

(S.P. 402) (L.D. 1306)

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

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

Bill "An Act To Better Fund Nursing Homes in the State To Better Help the Elderly and Disabled"

(S.P. 404) (L.D. 1308)

Bill "An Act To Index MaineCare Reimbursement to Nursing Homes and Other Adult Care Facilities to Increases in the Minimum Wage"

(S.P. 405) (L.D. 1309)

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Require Residential Mortgage Loan Servicers To Act in Good Faith in Dealings with Homeowners"

(S.P. 415) (L.D. 1327)

Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

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

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

Bill "An Act To Promote Snowmobiling in Maine"

(S.P. 403) (L.D. 1307)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act Regarding Access to Firearms by Extremely Dangerous and Suicidal Individuals"

(S.P. 408) (L.D. 1312)

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

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

Resolve, To Establish the Committee To Study the Feasibility of Creating Basic Income Security

(S.P. 412) (L.D. 1324)

Bill "An Act To Allow Workplace Substance Use Testing for Fentanyl, Hydromorphone, Hydrocodone, Oxycodone and Oxymorphone Use at the Employer's Discretion"

(S.P. 413) (L.D. 1325)

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

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

Bill "An Act To Increase the Salaries of the Governor and Legislators"

(S.P. 416) (L.D. 1328)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act To Encourage Savings through Contributions to Family Development Accounts"

(S.P. 401) (L.D. 1305)

Bill "An Act To Expand Eligibility for the Veterans' Property Tax Exemption"

(S.P. 414) (L.D. 1326)

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

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

Bill "An Act To Address the Shortage of Department of Transportation Snowplow Drivers and Other Transportation Workers"

(S.P. 406) (L.D. 1310)

Bill "An Act To Allow Temporary Roadside Memorials for Deceased Victims of Traffic Accidents"

(S.P. 417) (L.D. 1329)

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

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harrison, Representative Riseman.

Representative **RISEMAN**: Thank you, Mr. Speaker. I request unanimous consent to address the House on the record.

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

Representative **RISEMAN**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, in reference to Roll Call No. 13 on LD 256, had I been present, I would've voted yea. Thank you.

On motion of Representative DILLINGHAM of Oxford, the House adjourned at 12:29 p.m., until 10:00 a.m., Thursday, March 21, 2019, in honor and lasting tribute to Gary Joseph Sacco, of Poland and the victims of the New Zealand shootings.