MAINE STATE LEGISLATURE

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Legislative Record

House of Representatives

One Hundred and Thirty-First Legislature

State of Maine

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Beginning with Page H-1

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. 303

YEA - Albert, Ankeles, Arford, Babin, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Guerrette, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Theriault, Warren, White B, Worth, Zager, Madam Speaker.

NAY - Adams, Andrews, Arata, Ardell, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Haggan, Hall, Henderson, Hymes, Jackson, Lanigan, Lemelin, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Abdi, Crockett, Eaton, Javner, Landry, LaRochelle, Lavigne, Libby, Paulhus, Williams, Woodsome, Zeigler.

Yes, 78; No, 60; Absent, 12; Vacant, 0; Excused, 1.

78 having voted in the affirmative and 60 voted in the negative, with 12 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-359)** was **READ** by the Clerk.

Senate Amendment "A" (S-390) to **Committee Amendment "A" (S-359)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-359) as Amended by Senate Amendment "A" (S-390) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-359) as Amended by Senate Amendment "A" (S-390)** thereto in 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-674)** on Bill "An Act to Establish Minimum Pay for Educational Technicians and Other School Support Staff"

(H.P. 621) (L.D. 974)

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
BAGSHAW of Windham
DODGE of Belfast
LYMAN of Livermore Falls
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SAMPSON of Alfred
SARGENT of York
WORTH of Ellsworth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-675)** on same Bill.

Signed:

Representative:

POLEWARCZYK of Wiscasset

READ.

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

On motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-683)** on Bill "An Act to Ensure Access to Health Care"

(H.P. 168) (L.D. 263)

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
MASTRACCIO of Sanford
MATHIESON of Kittery
PRINGLE of Windham

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

CYRWAY of Albion
MORRIS of Turner
NUTTING of Oakland
SWALLOW of Houlton

READ.

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

Representative MORRIS of Turner **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 Turner, Representative Morris.

Representative **MORRIS**: Thank you, Madam Speaker. I rise in opposition to the pending motion. This bill would require the Department of Health and Human Services to take into account whether or not abortion services would be available in the event of a merger within a hospital system. This is targeted at Catholic hospitals, specifically. This was stated during much of the public hearing. Aside from the problem with that, there is the issue of that we are in a very rural State, there are a number of places that if we were to run into a situation in rural Maine where there was a hospital that was in danger and needed to close and the only purchaser were a Catholic hospital, it would be very problematic if they could not purchase them simply because they don't provide abortion services for that area. I think the people of those areas would say it would be beneficial to have a hospital in the case of an emergency, regardless of what other selective procedures may be available, that it is important to have a hospital that is in working order. I would also add that the Maine Hospitals Association testified against this bill. They say this is another unnecessary burden on that process, on the COM process. So, I would encourage this Body to reject the pending motion. Thank you.

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

Representative **SWALLOW**: Thank you, Madam Speaker. Recently in the State of Maine, there have been many mergers due to the issues surrounding hospitals especially in small communities. And, in fact, now, there are eight Maine hospitals that are currently on an endangered species list, according to a new recent report.

The issues brought forth by this bill serve as a stumbling block to hospital mergers and health care facility mergers when they're most needed and in the more rural communities. The legislation states that the Commissioner of the Health and Human Services may approve a transaction only if the Commissioner determines the project will not reduce access to any sexual or reproductive health services, including abortion care. There's an exception and that exception is only on the last case analysis due to financial feasibility and economic issues that no other possibilities and alternatives are available.

According to the Guttmacher Institute on Abortions, Maine's abortions increased between 2017 and 2020 by 15%, which is almost double the national average. And in 2017, nationally, 60% of abortions were provided at abortion clinics, 35% at nonspecialized clinics and 3% at hospitals. Just 3% at hospitals. And, furthermore, since 2014, Maine's abortion clinics and facilities have increased over 100%. So, access to abortion in Maine is alive and well, so, why the added issue in this bill incorporated to interject it in a complex and struggling health care system eludes me and the priority that abortion is given in these cases as compared to the total needs of health care in these communities just doesn't make sense. This legislation is unnecessary and does not help Maine health care needs.

I think what may be the driving force here is that in August of 2002, the Fifth Circuit Court of Appeals permanently enjoined the United States Department of Health and Human Services from requiring Catholic hospital networks to perform abortions or sexual reassignment surgeries, in violation of their sincerely-held religious beliefs. This ruling was driven by the federal government having earlier determined that a refusal to perform abortion or get gender identity violated a ban on sex discrimination. The courts determined otherwise. This bill is mindful to me of the Blaine amendments in the second half of the 19th century. The message of this bill is loud and clear, regardless of how its clothed, and there only remains three Catholic hospitals in Maine. Basically, if a hospital is considering a merger with another health care facility, then Catholic health care facilities really need to step back in the line. Maine will do all we can to prevent this merger. This bill is not about health care. I urge you to vote against this motion. Thank you.

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

Representative **PERRY**: Thank you, Madam Speaker. Just a little bit about this bill. This bill does not increase services but prevents services, which includes family planning, vasectomies and other procedures; this is not to increase the services but to guarantee that the services will not be decreased. That is what this bill is about. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Lanigan.

Representative **LANIGAN**: Thank you, Madam Speaker. Just real quick is; there's a lot of talk about abortion and I get it, it's a very sensitive subject and I'll be the first one to say is I believe it's a woman's choice. I signed up for this job and I ran for this office to help Maine people and I'm just confused looking at numbers, Madam Speaker. In 2020, there was 2,370 abortions in the State of Maine throughout 21 facilities. You take a state like Illinois, they had 52,780 through 40 facilities. So, it seems like we have plenty of opportunities and options for Mainers in the State and I just kind of wondering why; I guess I'm posing a question through the Chair is why we're talking so much about this when there's so many other things broken in our State. Thank you so much, Madam Speaker.

The SPEAKER: The Member has posed a question through the Chair to any Member who cares to answer.

Seeing none, 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. 304

YEA - Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Neil, Osher, Perry A, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, Worth, Zager, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Lanigan, Lemelin, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White B, White J, Wood.

ABSENT - Abdi, Crockett, Eaton, Javner, Landry, LaRochelle, Lavigne, Libby, O'Connell, Paulhus, Perry J, Williams, Woodsome, Zeigler.

Yes, 71; No, 65; Absent, 14; Vacant, 0; Excused, 1.

71 having voted in the affirmative and 65 voted in the negative, with 14 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-683)** 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-683)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-676)** on Bill "An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation"

(H.P. 932) (L.D. 1436)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
ANDREWS of Paris
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:

HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-676)** Report.

READ.

On motion of Representative MOONEN of Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-687)** on Bill "An Act to Amend the State Tax Laws" (EMERGENCY)

(H.P. 1153) (L.D. 1808)

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CARMICHAEL of Greenbush
CROCKETT of Portland
HASENFUS of Readfield
LAVIGNE of Berwick
MATLACK of St. George
QUINT of Hodgdon
RANA of Bangor
RUDNICKI of Fairfield

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

Signed:

Representative:

LIBBY of Auburn

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-687)** 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-687)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-684)** on Bill "An Act to Amend the Adult Use Cannabis Laws"

(H.P. 1205) (L.D. 1880)

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

BOYER of Poland
HYMES of Waldo
MALON of Biddeford
RIELLY of Westbrook
RISEMAN of Harrison
RUDNICKI of Fairfield

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representative:

MONTELL of Gardiner

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-684)** was **READ** by the Clerk.

Representative SUPICA of Bangor **PRESENTED House Amendment "A" (H-695)** to **Committee Amendment "A" (H-684)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-684) as Amended by House Amendment "A" (H-695) thereto was **ADOPTED**.