

ONE HUNDRED TWENTY-NINTH LEGISLATURE
FIRST REGULAR SESSION
39th Legislative Day
Tuesday, May 14, 2019

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

Prayer by Pastor Brian Rebert, New Hope Baptist Church, Farmington.

National Anthem by Mount View High School Concert Band, Thorndike.

Pledge of Allegiance.

Doctor of the day, Paul A. Liebow, M.D., Bucksport.

The Journal of Thursday, May 9, 2019 was read and approved.

Pursuant to her authority under House Rule 401, Section 12, the Chair excused Representative BROOKS of Lewiston from all House deliberations and roll calls from Tuesday, May 14, 2019, until further notice.

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

COMMUNICATIONS

The Following Communication: (H.C. 171)

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

May 13, 2019

The Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (l) (a), I have temporarily appointed Representative Scott Landry of Farmington to the Joint Standing Committee on Health Coverage, Insurance and Financial Services, replacing Representative Heidi Brooks of Lewiston, effective immediately.

Please do not hesitate to contact me should you have any questions regarding this temporary appointment.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 173)

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

May 13, 2019

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt,

Pursuant to my authority under Title 20, Ch. 5, Part 679, Subpart A, §679.110 (b)(2) of federal law, I am pleased to appoint the Honorable Michael Sylvester of Portland to the State Workforce Board, effective immediately.

If you have any questions, please don't hesitate to contact my office.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

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

The Following Communication: (H.C. 167)

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

May 14, 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 May 8, 2019

The Honorable Stan Gerzofsky of Brunswick and Lance Boucher of Manchester for appointment to the Midcoast Regional Redevelopment Authority.

Pursuant to Title 5, MRSA §13083-I, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Innovation, Development, Economic Advancement and Business.

James P. Norris of Winthrop and Roger K. Berle of Falmouth for appointment to the Land for Maine's Future Board.

Pursuant to Title 5 MRSA §6204, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Casey Maddock of Scarborough for appointment to the State Board of Education as the Student Member.

Pursuant to Title 20-A, MRSA §401, this appointment is contingent on the Maine Senate 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. 168)

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

May 14, 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 Agriculture, Conservation and Forestry has approved the request by the sponsor, Representative Dunphy of Old Town, to report the following "Leave to Withdraw:"

L.D. 1103 An Act To Increase the Number of Members of the Wild Blueberry Commission of Maine

Pursuant to Joint Rule 310, the Committee on Appropriations and Financial Affairs has approved the request by the sponsor, Senator Deschambault of York, to report the following bills out "Leave to Withdraw:"

L.D. 457 An Act To Authorize a General Fund Bond Issue for Riverfront Community Development

L.D. 794 An Act To Authorize a General Fund Bond Issue To Recapitalize the Municipal Investment Trust Fund

Pursuant to Joint Rule 310, the Committee on State and Local Government has approved the request by the sponsor, Representative Rykerson of Kittery, to report the following "Leave to Withdraw:"

L.D. 933 Resolve, Authorizing Certain Persons To Sue the Town of Kittery

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

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

The Following Communication: (H.C. 170)

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

May 14, 2019

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

Dear Speaker Gideon:

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

Agriculture, Conservation and Forestry

L.D. 840 An Act Regarding the Control of Browntail Moths

L.D. 1114 An Act To Humanely Treat Animals Trapped in Buildings

L.D. 1574 An Act To Continue Authorization of Seaplane Landings on Katahdin Lake

Criminal Justice and Public Safety

L.D. 637 An Act Regarding Motor Vehicle Operation and Drug Use

Energy, Utilities and Technology

L.D. 271 An Act Regarding a Transmission and Distribution Utility's Use of the Right of Eminent Domain To Locate Its Transmission Lines

L.D. 1558 An Act To Change the Definition of "Gas Utility" in the Laws Governing Public Utilities

Health Coverage, Insurance and Financial Services

L.D. 815 An Act To Regulate the Issuance of Short-term, Limited-duration Health Insurance Policies in the State

L.D. 1236 An Act To Clarify the Laws Governing the Licensing of Paramedics

L.D. 1472 An Act To Create a Commission To Establish a State Bank

Innovation, Development, Economic Advancement and Business

L.D. 1502 An Act To Expand Access to the Workforce through Apprenticeships

Taxation

L.D. 35 An Act To Exempt All Disabled Veterans in Maine from All Income Tax and To Increase Their Homestead Exemption to \$50,000

L.D. 922 An Act To Provide a Property Tax Exemption for Renewable Energy Fixtures

L.D. 1191 An Act To Exempt Solar Energy Equipment from Property Tax

L.D. 1271 An Act To Exempt Permanently Disabled Veterans from Payment of Property Tax

L.D. 1326 An Act To Expand Eligibility for the Veterans' Property Tax Exemption

L.D. 1448 An Act To Expand the Homestead Exemption for Disabled Veterans

Veterans and Legal Affairs

L.D. 294 An Act To Require the Fiscal Impact Estimate of a Direct Initiative of Legislation To Be Included on the Ballot

L.D. 1348 An Act To Authorize Sports Wagering

L.D. 1438 An Act To Clarify the Intent of Referendum Questions for Voters

L.D. 1515 An Act To Allow Sports Wagering in Maine

L.D. 1571 An Act To Establish the Exclusive Right of the Federally Recognized Indian Tribes in the State To Conduct All Sports Betting in Maine

L.D. 1631 RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting, Voting by Absentee Ballot and Voting by Mail

L.D. 1642 An Act Regarding the Regulation of Sports Wagering

L.D. 1656 An Act To Provide for the Regulation of Sports Wagering

L.D. 1657 An Act To Regulate Sports Wagering

L.D. 1665 An Act To Automatically Change a Voter Registration Address upon Change of Address for a Driver's License

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (S.C. 383)

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

May 9, 2019
Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Gideon:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 129th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, Peter Pray of Millinocket for appointment to the Maine Land Use Planning Commission.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 384)

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

May 9, 2019
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Environment and Natural Resources on Bill "An Act Regarding the Sale and Release or Abandonment of Balloons" (H.P. 692) (L.D. 937) in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Align the Harness Racing Laws with Current Policies" (EMERGENCY)

(H.P. 1230) (L.D. 1728)

Sponsored by Representative MAREAN of Hollis.
Cosponsored by Senator DILL of Penobscot and Representative: HICKMAN of Winthrop.
Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

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 Correct Various Statutes Related to the Department of Corrections"

(H.P. 1229) (L.D. 1727)

Sponsored by Representative COREY of Windham.
Submitted by the Department of Corrections pursuant to Joint Rule 204.

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

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

Sent for concurrence.

Bill "An Act Regarding Medical Marijuana" (H.P. 1236) (L.D. 1738)

Sponsored by Representative PERRY of Bangor.
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 Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age" (EMERGENCY)

(H.P. 1226) (L.D. 1715)

Sponsored by Representative McCREIGHT of Harpswell.
Cosponsored by Senator CARSON of Cumberland and Representatives: BRENNAN of Portland, GRAMLICH of Old Orchard Beach, HANDY of Lewiston.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative HYMANSON of York, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent for concurrence.

Bill "An Act To Ensure Comprehensive Interdepartmental Planning, Coordination and Collaboration on Aging Policy" (EMERGENCY)

(H.P. 1235) (L.D. 1733)

Sponsored by Representative FAY of Raymond.
Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative HYMANSON of York, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

Bill "An Act To Update the Licensing Laws for Occupational Therapy Practice"

(H.P. 1227) (L.D. 1716)

Sponsored by Representative MASTRACCIO of Sanford.
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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 Clarify and Correct Maine's Fish and Wildlife Laws"

(H.P. 1228) (L.D. 1717)

Sponsored by Representative MARTIN of Eagle Lake.
Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

Bill "An Act To Clarify Inland Fisheries and Wildlife Laws Regarding Boating and Hunting Licensing"

(H.P. 1238) (L.D. 1740)

Sponsored by Representative MARTIN of Sinclair.

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.

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 Regarding Representation of the Department of Marine Resources in Libel Proceedings"
(H.P. 1233) (L.D. 1731)

Sponsored by Representative BLUME of York.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

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

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

Bill "An Act To Create a Carrier License for Pelagic and Anadromous Fish"

(H.P. 1231) (L.D. 1729)

Sponsored by Representative FAULKINGHAM of Winter Harbor.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Bill "An Act To Eliminate the Scallop Drag Size Limitation in Blue Hill Bay"

(H.P. 1234) (L.D. 1732)

Sponsored by Representative McDONALD of Stonington.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Committee on **MARINE RESOURCES** suggested and ordered printed.

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

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(H.P. 1237) (L.D. 1739)

Sponsored by Representative TIPPING of Orono.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

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

Resolve, Directing the Secretary of State To Enter into a Reciprocal Agreement between the State and Taiwan Regarding Driver's Licenses

(H.P. 1225) (L.D. 1714)

Sponsored by Representative STEWART of Presque Isle.

Cosponsored by Senator KEIM of Oxford and Representatives: McLEAN of Gorham, PERKINS of Oakland, Senators: DESCHAMBAULT of York, DIAMOND of Cumberland.

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

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

Sent for concurrence.

Bill "An Act To Amend the Laws Governing Elections"

(H.P. 1232) (L.D. 1730)

Sponsored by Representative SCHNECK of Bangor.

Cosponsored by Senator LUCHINI of Hancock.

Submitted by the Secretary of State pursuant to Joint Rule 204.

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative DOUDERA of Camden, the following Joint Resolution: (H.P. 1224) (Cosponsored by Senator LAWRENCE of York and Representatives: ANDREWS of Paris, AUSTIN of Skowhegan, CARNEY of Cape Elizabeth, DODGE of Belfast, GRAMLICH of Old Orchard Beach, MEYER of Eliot, MORALES of South Portland, RYKERSON of Kittery)

JOINT RESOLUTION RECOGNIZING MAY AS TOURISM WORKER RECOGNITION MONTH

WHEREAS, tourism is one of Maine's largest industries, bringing in over 37 million visitors to the State, supporting one out of every 6 jobs and generating over \$9 billion per year in tourism-related sales and over \$610 million in taxes; and

WHEREAS, tourism incorporates every size of business, including many small, family-owned and multigenerational businesses; and

WHEREAS, these businesses provide a broad array of tourism services such as lodging, dining, camps and campgrounds, retail, amusements, guide and tour services, outdoor recreation and cultural and heritage attractions; and

WHEREAS, the 110,000 tourism workers in Maine are indispensable to the success of this industry and provide the dedicated and exemplary service and hospitality that make Maine the truly unique travel destination that it is; and

WHEREAS, Maine tourism workers deserve the greatest credit and recognition for the achievements and growth of this industry; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to declare May 2019 as Tourism Worker Recognition Month to honor Maine's tourism workers for all they do for the promotion and economic success of the State.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Camden, Representative Doudera.

Representative **DOUDERA**: Thank you, Mr. Speaker. Mr. Speaker, I rise today in support of the Joint Resolution recognizing May as Tourism Worker Recognition Month.

All of us in all of our districts have friends and neighbors who work in this industry and many of us have, ourselves, been a part of this critically important economic sector. We know the statistics; over 37 million visitors annually to the state, over \$9 billion generated in tourism-related sales, and more than \$610 million in taxes. But tourism is an industry that succeeds because of people and today I hope you will take a moment to pause and think of them. People like my neighbor, Meg Quijano the third-generation operator of the Smiling Cow, a beloved fixture of Camden's downtown for more than 75 years, where the hazelnut fudge is made fresh daily and everyone is welcome to browse. Or the captain and crew of Rockport's Schooner Heron, making sure all is ship-shape before taking passengers on a bracing sail on Penobscot Bay.

Tourism workers are the staff at the Samoset Resort, the men and women making sure all the beds are perfectly made and the gin and tonics perfectly mixed. They are the islanders on Islesboro who spent all of last weekend pulling weeds and spreading mulch, readying the lawns and gardens of the summer cottages in anticipation of their owners' arrival.

Tourism is an industry that runs on people; people who put aside whatever is going on in their own lives to smile as they scoop your Gifford's ice cream, flip your cheeseburger or sell you shiners for your fishing trip. They are the ones making the rafting trips on the Kennebec both thrilling and safe. They're the lifeguards at our southern beaches, the registered Maine Guides who lead hikes in Bethel's Mahoosuc Range and the greens keepers at Mars Hill Country Club.

Today we appreciate them all for their dedication to service and commitment to hospitality. Let's be sure we thank our tourism workers personally during this month and going forward for all they do for Maine. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Protect Law Enforcement and Corrections Officers by Creating the Crime of Aggravated Assault on an Officer"

(S.P. 74) (L.D. 262)

Signed:

Senators:

DESCHAMBAULT of York
CARPENTER of Aroostook

Representatives:

WARREN of Hallowell
BEEBE-CENTER of Rockland
COOPER of Yarmouth
RECKITT of South Portland
MORALES of South Portland
SHARPE of Durham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-74)** on same Bill.

Signed:

Senator:

ROSEN of Hancock

Representatives:

COREY of Windham
COSTAIN of Plymouth
JOHANSEN of Monticello
PICKETT of Dixfield

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

READ.

Representative WARREN of Hallowell moved that the House **ACCEPT** the Majority **Ought Not to Pass Report**.

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

Representative **PICKETT**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House. I rise in opposition to the pending motion.

This bill is a bill that's intended to give a layer of support for law enforcement officers, correctional officers and people working in the line of duty. And what it simply does is the bill provides a mandatory minimum term of imprisonment for an aggravated assault on a victim who is a law enforcement officer, a corrections officer, or a corrections supervisor or member of the staff of a correctional institution who in the performance of their duty is, the defendant turns around and plans an assault prior to the assault or targets that person because of that person's employment. The amendment also provides a procedure and standards for the court to impose a sentence of imprisonment less than the mandatory minimum as well.

The Maine Sheriff's Association, Maine's Association of Police, National Corrections, Correctional Employees Union were all in support and spoke in favor of this bill. I would ask you to vote this motion down and follow my light. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, we all agree that if anyone ever targets law enforcement simply because they are law enforcement, they should be prosecuted to the fullest extent of the law, and they are being prosecuted to the fullest extent of the law.

If prosecutors come in to our committee and say we don't have sentencing structure that allows us to prosecute people fully, that's when we look at creating an additional structure. We don't need to do that in this case because the structure already exists. If anyone targets law enforcement, they are prosecuted to the fullest extent.

The one piece that we certainly should not be doing, especially, is creating mandatory minimums. The rest of the country, including folks in D.C., are reversing and getting rid of mandatory minimums. This bill creates a mandatory minimum, thereby taking all judicial discretion away from judges. It's another reason I'd like you to vote Ought Not to Pass. Thank you.

Representative STEWART of Presque Isle **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. I'd like to pose a question to the Chair, or through the Chair, rather.

The SPEAKER PRO TEM: The Member may proceed.

Representative **FAULKINGHAM**: Does Committee Amendment A remove the mandatory minimum from this bill?

The **SPEAKER PRO TEM**: The Representative from Winter Harbor, Representative Faulkingham, has posed a question through the Chair to anyone who cares to answer it. The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. No, it does not remove the mandatory minimum.

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. 91

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

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Landry, 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 - Doore, Drinkwater, Grignon, Hanington, Harnett, Kryzak, McLean, PerryJ.

Yes, 86; No, 54; Absent, 8; Excused, 2.

86 having voted in the affirmative and 54 voted in the negative, with 8 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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, May 9, 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 Kayla Thayer, of Auburn

(HLS 250)

TABLED - April 18, 2019 (Till Later Today) by Representative **BICKFORD** of Auburn.

PENDING - PASSAGE.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, since starting at CMCC in the fall of 2017, Kayla Thayer has earned

High Honors or President's Honors every semester. In addition to her academic success in the Life Science program, she has been active on campus with a trio and honor's program, as secretary of the Phi Beta Kappa Honor Society and as a tutor in the Math Science Center. She's also been an MS Walk volunteer and an event volunteer at Safe Voices. She's employed at Hannaford in Turner.

Thayer will graduate from CMCC this spring and then transfer to the University of Maine to earn a Bachelor's degree in Chemistry with a concentration in Pre-Pharmacy. She hopes to eventually pursue a doctorate in Pharmacy and work for the U.S. Centers for Disease Control.

Now, Mr. Speaker, that's quite an accomplishment of any student, but in Kayla's case, she's the youngest of 13 children. She also has battled autism, PTSD and anxiety. Kayla is a role model to all individuals regardless of their challenge to accomplish goals through perseverance and hard work. Thank you, Mr. Speaker.

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

Representative **ORDWAY**: Thank you, Mr. Speaker, my colleagues in the House. I just wanted to add my two cents worth here that back in January when the legislative tour stopped at CM, several legislators remarked to me afterwards they couldn't believe how proud I am of that school, which I am very proud. But students like Kayla make it easy to be proud of the school.

I'm going to tell you just one quick story about Kayla and it's a warning to you all, in case you ever get tangled up with her in the future, because she's of small stature but she's a bulldog. In her studies, she had to take a class; Organic Chemistry. Now, I would be stumped at Organic Chemistry, my chemistry background comes from the kits we had as a kid where we were pretty good at stink bombs and gunpowder. So she passed this class with Honors and she found out that the class would transfer to St. Joe's, it would transfer to UNE, but not in her desired school at the University of Maine. Well, by the time she was done with them, they will accept that for her and all future students, they will accept a transfer from the community college in Organic Chemistry. And so just congratulations, Kayla. We are all very, very proud of you.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Ensure Transparency and Participation in Maine Water Districts"

(S.P. 373) (L.D. 1198)

Signed:

Senators:

LAWRENCE of York
WOODSOME of York

Representatives:

BERRY of Bowdoinham
CAIAZZO of Scarborough
DOUDERA of Camden
FOSTER of Dexter
GRIGNON of Athens
GROHOSKI of Ellsworth
HANLEY of Pittston

RILEY of Jay
RYKERSON of Kittery

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

Signed:
Senator:

MIRAMANT of Knox

Representative:

KESSLER of South Portland

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

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-226)** on Bill "An Act To Increase Access to Nutritious Foods in Schools by Implementing an After-school Food Program for At-risk Students" (EMERGENCY)

(H.P. 421) (L.D. 577)

Signed:
Senators:

MILLETT of Cumberland
CARSON of Cumberland
POULIOT of Kennebec

Representatives:

KORNFELD 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:

Representatives:

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

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-226)** 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-226)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee**

Amendment "A" (H-230) on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Prohibit Discrimination Based on the Sex of an Individual

(H.P. 342) (L.D. 433)

Signed:

Senators:

CARPENTER of Aroostook
BELLOWS of Kennebec

Representatives:

BAILEY of Saco
BABBIDGE of Kennebec
CARDONE of Bangor
EVANGELOS of Friendship
HARNETT of Gardiner
RECKITT of South Portland
TALBOT ROSS of Portland

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

Signed:

Senator:

KEIM of Oxford

Representatives:

CURTIS of Madison
DeVEAU of Caribou
HAGGAN of Hampden

READ.

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

Representative DILLINGHAM of Oxford **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 PRO TEM: The Chair recognizes the Representative from Oxford, Representative Dillingham.

Representative **DILLINGHAM**: Thank you, Mr. Speaker. While I appreciate and admire the decades of work the Representative from South Portland has dedicated to equality, I believe I do not need this Resolution for validation. I am a strong woman, serving today with a record number of women serving with me. A female Chief Executive's office is down the stairs and our court system is led by a female.

Maine Equal Rights Laws and Equal Rights Commission are there if needed, so are the Equal Pay Act of 1963 and Title 7 of the Civil Rights Acts of 1964. Thank you.

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

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We have this pesky little document, it's called the Constitution of the United States, and it was written expressly to protect the smallest minority. That minority is the individual.

In all the jobs that I've worked, I've competed with men and in most of them I earned more money. I've also noticed when we talk about equal rights and not special rights that women are not required to register for the draft. Women also possess an advantage in custody of children. They also have the discretion of whether or not to decide to have an abortion or not. It seems to me that this society is turning away from patriarchy. I don't think this is good for my daughters or for my sons. Thank you.

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

Representative **KINNEY**: Thank you, Mr. Speaker, Men and Women of the House. As a woman, I cannot support this path to violate my rights already given under the Constitution. Most particularly, my religious freedom.

This is a backdoor piece of legislation about abortion where that's a violation of my faith, it is a violation of my constitutional right to my religious freedom. Currently, Article I, Section 6-A of the Maine State Constitution states, "Discrimination against persons prohibited. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of that person's civil rights or be discriminated against in exercise thereof." The Constitution already has an equal rights amendment. Additionally, I've had plenty of opportunities equal to those of any other sex in my lifetime. As a female attending college, I joined an honorary band fraternity and I even held an officer position in that organization. I've held jobs such as a long-haul truck driver where I became a trainer of new drivers in the field. Although I was trained to be able to train men or women, I had five different students over the course of one year, all of whom were women in a predominantly male profession. I have further started and run my own business for the past 15 years. Most recently, I've served here in the Maine House of Representatives for the last five years, where I was elected by my peers, both men and women, who exercised their constitutional right to vote. Therefore, I ask you to follow my light and vote no.

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

Representative **ARATA**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. An Equal Rights Amendment is completely obsolete and unnecessary. Women hold positions of power nationwide including that of CEO, judge, presidential candidate, senator, representative and governor of Maine. More females than males graduate from college and achieve academic honors. Women live longer than men. The fact that I stand here today as an elected representative is an example of female equality. We are not so fragile that we need a law to tell us that we are equal. It would result in litigation and acrimony that is completely unnecessary and would only benefit the lawyers. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Morales.

Representative **MORALES**: Thank you, Mr. Speaker. The Preamble to the Constitution reads as follows: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

The clear words of the Preamble to the Constitution, together with a defined process for amending our country's founding principles, underscores the framers' understanding that forming a more perfect union was an aspiration rather than a done deal at the time of the signing of the Constitution in 1787. By way of a few examples, history tells us that in the leadup to the signing of the Constitution, the framers debated slavery and ultimately decided to define an enslaved person as three-fifths of a human. Almost a hundred years later, immediately following the Civil War, the U.S. took the steps envisioned by the framers to form that more perfect union by abolishing slavery in the 13th Amendment, granting the rights

of citizens an equal protection of the law to formerly enslaved people in the 14th Amendment and prohibiting states from disenfranchising voters on account of race, color, or previous condition of servitude in the 15th Amendment.

In 1920, following a similar hundred-year campaign starting in and around 1848, the United States of America ratified the 19th Amendment to allow women to vote. In a struggle for legal equality of the sexes and the prohibition of discrimination on the basis of sex, starting in and around 1923 the Equal Rights Amendment is just a few years shy of that hundred-year threshold.

Why is the ratification of the Equal Rights Amendment important? First, it would mean a formal recognition of our values as a state and as a country, a legal recognition of every American's right to be free from sex-based discrimination. Second, the Equal Rights Amendment would require cases alleging sex-based discrimination to be evaluated using the same heightened legal standard applied in cases alleging race-based discrimination. Practically speaking, with an ERA in place, laws and policies that discriminate on the basis of sex would be subject to strict scrutiny when challenged. This means that the entity with the law or policy would have to show that it served, number one, a compelling governmental interest and, number two, in the least restrictive means available. Currently, laws or practices that treat people differently on the basis of sex only need to be substantially related to government interest, without any attention to whether there is a less discriminatory means to achieve the same end. This is called intermediate scrutiny.

As an attorney who has practiced state and local government law and who has advised municipalities and the State on the legality of existing and new proposed ordinances and state laws and regulations, the level of scrutiny a court places on government action is extremely important and absolutely drives the creation of policy. If a proposed action has the potential to impact a protected class for which a strict scrutiny standard of review is required, in my experience the entity is much less likely to follow through with the law or policy. The empirical data of how the laws and the privileges of the United States apply to the sexes, demonstrates that we are not yet equal and that there is more work to do to strive towards a more perfect union. Despite years of litigation and legislation regarding sex discrimination since the 1960s, women are still disproportionately poor, endure extensive regulation of their bodies, experience sex-based pay discrimination in all occupational categories, are sexually harassed and subjected to biased consideration in hiring and promotion, subjected to discriminatory treatment by employers in pregnancy and in motherhood, among numerous other practices, and suffer widespread gender-based violence and face increasing incarceration rates, including here in Maine. Each year in Maine, 14,000 women experience sexual violence. Only 448 report this violence to law enforcement and only a small percentage are actually prosecuted. In Maine, half of our homicides are women killed by their partners or spouses as a result of domestic violence. In Maine, the rates of incarceration for women has increased by over 256% in the last 20 years, increasing from 25 women in 2002 to 225 women incarcerated today in Maine. In Maine, almost all of the 225 women incarcerated in our prison system have suffered domestic violence and have been victims of sex trafficking.

An Equal Rights Amendment can give us important and powerful tools to tackle these astounding problems we face. You may ask, as it has been raised, why we need a

Constitutional Amendment. Of course, statutes provide us with legal protection but statutes can be repealed, they can be not enforced, and they can be weakened by regulations or simply not renewed. This is happening right now to the Title 9 protections against sexual assaults in schools and on college campuses by the U.S. Secretary of Education, Betsy DeVos. This is also happening right now with the Violence Against Women Act at the federal level, which provides essential funding and grants for various programs that tackle domestic abuse including shelters, crisis centers and social services dedicated to protecting women against gender-based violence. This year, the Violence Against Women Act lapsed because Congress failed to pass an extension.

The simple fact is that the Constitution does not guarantee equal rights under the law based on a person's sex. Since the 1960s, driven in large part by the cases argued and worked on by now Supreme Court Justice Ruth Bader Ginsburg, the Supreme Court has interpreted the Equal Protection Clause to define liberty and equality based on the discrete facts of each case brought before them. This interpretation, however, is at the whim of the nine members of the Supreme Court. I agree with Justice Ginsburg when she said I would like my granddaughters when they pick up the Constitution to see that notion that women and men are persons of equal stature. I'd like them to see that it is a basic principle of our society.

I personally like to think of the Equal Protection Clause as a golden arrow; a tool we have used to pierce and dispose of discriminatory laws these past 40 years. The Equal Rights Amendment, however, would act more as a golden shield to prevent discriminatory laws from being enacted in the first place, and to provide a fundamental legal remedy against sex discrimination for both women and men. It would guarantee that the rights affirmed by the United States Constitution are held equally by all citizens without regard to their sex. Only an Equal Rights Amendment can provide United States citizens with the highest and broadest level of legal protections against sex discrimination.

So, Honorable Colleagues of the House, I would ask you to be bold and to do what's right. Let's stand up for our principles, let's protect our children and our grandchildren with a golden shield and show them that we hold them all as equals in the eyes of the law. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As a young lawyer on the U.S. House Judiciary Committee, Subcommittee on Civil and Constitutional Rights a number of years ago, we took up the Equal Rights Amendment and failed to get that made a part of our Constitution. That was a great defeat at that time and it continues to be a great sorrow for many women and men throughout the United States.

That is not to say women have not made great strides in the last 40 years. We have. We are now half of the Democratic Caucus in this body and have made great strides in professional schools and in the trades and in other fields. When I entered law school, the class before me had five women, and that was the norm for many years before that, no more than five or six women. My class had 21. That was the year of Betty Friedan's famous book and thereafter women continued to increase our numbers until now more than half of the women in major law schools are women. This will inevitably lead to change and I hope it leads to the change in this matter that is now before us.

As the Representative from South Portland, my friend and colleague, Ms. Morales, has amply and painfully related; women are, in fact and in law, still considered lesser human beings --

The SPEAKER PRO TEM: The Member will defer. The Chair will remind all Members not to refer to other Members by their name. The Member may proceed.

Representative **COOPER**: My colleague from South Portland; women remain unequal both in fact and in law. Intermediate standard is not strict scrutiny. The very words connote that difference. Discrimination based on race is subject to strict scrutiny, which means that you have to bear a very heavy load in order to justify a discrimination on that basis. For women, the task is much easier and there have been a number of cases in which women have lost because they have not been able to meet that lesser standard.

Other Members of this body have raised a couple of issues which I want to respond to. They claim that women have certain advantages such as in custody cases. That is just simply no longer the case. As a result of efforts by fathers and other groups, there is no presumption that the woman is the better parent. That case must be made on an individual basis. As for abortion rights; yes, we're the only segment of the population that can get pregnant, but that is hardly a right that we wish to have except when necessary and it only belongs to women because of our nature. Finally, I would say that the notion that women are benefitted by being excluded from the draft is no benefit at all and nobody has asked me whether I thought that exclusion should continue to prevail and it reminds me of the laws that were on the books until not very long ago that kept women out of numerous professions based on the assumption that we were unable due to physical or mental limitations not to be able to do that kind of work. Well, that was no protection and it was simply a means of keeping women out of certain kinds of work and professions and fortunately those barriers have been blocked by the courts. But there are others, implicit or unstated, that continue to operate and that is why there is such sex segregation within our workforce.

So, in ending, I would just say that sex discrimination is alive and well in this country, not through any lack of effort by my gender, but we must take action today to tell the world that we no longer think this is just and fair. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Dolloff.

Representative **DOLLOFF**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is not your grandmother's equal rights bill. It is about giving new powers to the federal government at the expense of states.

There already exist laws that prohibit discrimination against women. We have equal rights under the 5th and 14th Amendments of the Constitution. To say otherwise does a disservice to our daughters, granddaughters and women who continue to play leadership roles in our country. We are not weak, as the advocates would have you believe. It is increasingly becoming clear that this legislation is not about equal rights, it's about abortion. Advocates have directed to talk about equal pay and pregnancy discrimination, not abortion. Several states are using this tactic instead of the bills like the one we just voted on to force governments to pay for abortions.

Women are not weak or ignorant about the goals of this legislation. It is about abortion, pure and simple. To say otherwise insults my intelligence as a woman. Advocates should at least have the courage and the decency to call it what it is. It is not about equal pay or pregnancy protection or

the need to protect women against discrimination by men. Look around you, ladies and gentlemen. This is not 1972. Women play a major and ever-increasing role in Maine and in this country. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Woolwich, Representative Hepler.

Representative **HEPLER**: Thank you, Mr. Speaker Pro Tem, Women and Men of the House. I speak in favor of LD 433 and I want to speak as a historian.

In my scholarly research on women and workplace health, I wrote extensively about protective labor legislation for women which limited hours and created conditions for female wage-earners. Supporters of this legislation opposed the ERA in the 1920s and '30s, fearing that this amendment, if passed, would eliminate these protections. By 1954, Alice Hamilton, a workplace reformer who opposed the ERA in the 1920s changed her mind about it, noting that women had made sufficient gains in the workplace and that many of these protections were now extended to male workers. Hamilton was 85 years old at the time and she changed her mind. Surely Maine residents should be afforded the same opportunity.

Second, in my U.S. History classes at the University of Maine at Farmington, we recently spoke about the ERA in the context of the 19th Amendment that gave women the right to vote. They seemed puzzled that a national ERA had never been ratified. I asked them to guess why it failed. They couldn't imagine. Women in the military, I said, and unisex bathrooms. My students were dumbfounded. They had grown up with these two realities and their world hadn't collapsed. They need a chance to weigh in on these issues as voters and residents, and I ask this body to give them a chance to vote on the State ERA.

Mr. Speaker, I think it's past time that we do this, especially on the 100th anniversary of Maine women's suffrage, and I think we can do this. Thank you.

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

Representative **GROHOSKI**: Thank you, Mr. Speaker, and Fellow House Members. I appreciate the opportunity to speak today in support of LD 433, a Resolution Proposing an Amendment to the Constitution of Maine to Explicitly Prohibit Discrimination Based on the Sex of the Individual.

While there is much that I could say about this proposed legislation, there are many who have spoken before me who have been more eloquent. One of those who came before was the Honorable Margaret Chase Smith of Maine who served in the U.S. Senate from 1949 to 1971, after having served in the House from 1940 to 1949. Senator Smith was a co-sponsor to the legislation for a federal Equal Rights Amendment and she spoke to her position on the Floor of the Senate on January 23, 1950. Thanks to the excellent library staff of Skowhegan's Margaret Chase Smith library, I have that speech and would like to read it now.

Mr. President, I am for the proposed Equal Rights Amendment to the Constitution for the very reason that some women are against it. Throughout my service in Congress, I have clung steadfastly to the belief that when women demand equal rights with men, they must give up their special feminine privileges. I have urged that on all women's legislation, because women are just as subject to men to the old saying that, quote, you can't have your cake and eat it too, end-quote. But in being for this equal rights measure, I can appreciate some of the difficulties. These difficulties must be overcome. It may take time. But the more we delay, the harder it will be

ever to achieve this objective. This is not a petticoat measure. It is a measure designed to give fuller meaning and expression to the traditional American way of life. We have heard a great deal about civil rights and no discrimination against anyone because of race, color or creed. I would add one thing to that no discrimination code of civil rights; sex. I say there should not be any discrimination against any person because of race, color, creed, or sex, but I say with equal conviction that neither race nor color nor creed nor sex must be permitted to be the basis for agitation for special rights and special treatment under the guise of no discrimination and equality. There is a danger of losing balance on this subject and in our zeal for equality to unconsciously demand and grant special treatment and privileges over and above equality. I think that it is high time that we stop thinking of women as being second-class citizens, as people with less qualifications and secondary in priority. There should be no such thing as priority for or against women or men. I think that the most effective argument for equal rights is summed up in three simple words; women are people. Think that over just a little and you will see the justice and overwhelming merit of the equal rights measure. In closing, I want to pay my respects and express my appreciation to those senators who are going to vote for this measure even though they do not believe in equal rights. In the first place, I respect their opinion even though they differ from me, but more than that I admire their fair and unselfish attitude that they have taken by saying that they are voting for this measure so that it can be referred to the states for ratification or rejection to give the people of America a more direct vote and voice on this issue. Some of these senators will fight equal rights back in the states on the question of ratification or rejection, but by male standards, they will have manfully faced an issue rather than bottling that issue up in Congress without the states having had an opportunity to voice themselves on this proposal.

And now back in my own voice, I would like to conclude that 69 years later this speech still resonates, I feel. Indeed, the more we have delayed adopting the equal rights amendment, the harder it has become, though no less necessary, as you have heard from my fellow Members. In our society today, we find examples of women still being thought of as second-class citizens. I appeal to you all, my colleagues, as Senator Smith did to her colleagues, to approve this legislation to allow Mainers to have a say on this matter. We should not bottle this up without giving the voters an opportunity to voice themselves on this proposal.

Please join me in voting yes to allow the people of Maine to have a say on this matter. Thank you.

The **SPEAKER PRO TEM**: The Chair will remind all Members that cheering, clapping or otherwise disturbing the proceedings, is not appropriate while the House is in order.

The Chair recognizes the Representative from Levant, Representative Griffin.

Representative **GRIFFIN**: Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. This is my first time speaking before the House and I rise in strong opposition to this legislation.

This legislation fails to recognize reality. It is not the message we need to send to women. We have celebrated the election of Maine's first woman governor, we had a majority party nominate a woman for president, and we have a record number of women elected to the Maine Legislature. We do not need government to acknowledge our worth and contributions to society. I cannot, in good conscience, explain to my daughter or granddaughters why this legislation is needed.

Their future opportunities are there, acknowledged, supported by the Constitution and by laws governing us. This is a relic of an earlier time. Its passage would do more harm than good. Please acknowledge that Maine women are vibrant, strong and do not need government to tell us otherwise. Thank you.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, passage of this bill gives the citizens of Maine an opportunity to affirm the equal rights of citizens without regard to their sex.

Freedom from discrimination based on gender is a matter of civil rights. I was asked last session on this Floor, what difference would this make, and this was after I had spoken, which was a little deflating. When the U.S. Supreme Court considers facts relating to a potential violation of a constitutional right, they, as the Good Representative from Yarmouth mentioned, apply a standard called strict scrutiny defending the right as necessary to serve a compelling state interest. Again, this action would protect men and women equally before the law at the higher standard; a standard of justice at the highest level of our law. Passage of this Resolution and acceptance by a vote of the people of Maine would affirm our belief that discrimination based on sex should not be tolerated. While this addition to our Constitution would benefit both men and women, it's clear that men have traditionally experienced less discrimination than women. Did I say that correctly? It is clear that men have traditionally experienced less discrimination than women. Having a prohibition based on sex in our Constitution would make it clear that all of us are equal under the law.

The central concept of civil liberties is that all individuals have the fundamental right to be judged on the basis of their individual characteristics and capabilities, not the characteristics and capabilities that are supposedly shared by any group or class to which they might belong. This fundamental right is the premise of the 14th Amendment to the United States Constitution, which guarantees the equal protection of the laws to all individuals, and yet despite the guarantees of equal protection, inequities in our legal system remain.

LD 433 would enshrine women's full legal equality in Maine's highest law. Equal rights, equal access to justice regardless of gender, is a value we should proudly include in our Maine Constitution. For ourselves, for our sons and daughters, for our grandsons and granddaughters, let's demonstrate our commitment to fairness. It is time. Thank you, Mr. Speaker.

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

Representative **RUDNICKI**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this bill. I don't need this validation. I'm a strong woman, I raised a very strong young woman. I stand here serving with many strong women. We have a Chief Executive that's a woman, we have a Chief Justice of Maine that's a woman, and we have representation in the U.S. House and in the U.S. Senate of strong women.

Women have been playing a major role in this state and in this country for a long time now. We have protection under both the 5th and the 14th Amendment. To say anything else is a disservice to all of us. We're not weak, I'm not weak, and I would bet that every woman in this room would say that they are not weak. We do not need another bill and the government just continuing to tell us otherwise. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Gramlich.

Representative **GRAMLICH**: Thank you, Mr. Speaker. Thank you, Women and Men of the House. I stand before you today in support of this motion.

It was in my grandmother's lifetime that women did not have the right to vote, a right that many of us take for granted today, a right that took over a hundred years for women to advance. It was in my mother's lifetime that women could be denied health insurance benefits, women could not easily divorce or leave an abusive husband and indeed it wasn't until the Divorce Reform Act of 1969 that that started to change. It was in my mother's lifetime that women did not have financial security independent of her husband or father. It was in my lifetime that we saw many of these advances for women, advances that addressed the issues that my mother had to live with, get advanced. I urge you to support and pass LD 433 so that I can say that in my daughter's lifetime, equal rights under the law will not be denied or abridged based solely on the sex of an individual. I urge you to pass LD 433. Thank you.

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

Representative **SAMPSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand strongly in opposition to this measure.

It's been already said but bears repeating that the Constitution is written to protect the minority. All minorities. Every one of us, women especially, have a choice. We have a choice that we've had for a long time, by the way, a choice to work hard, a choice to perform our due diligence, a choice to strive for excellence in all that we do. A choice that does nothing for us, however, is the choice to make excuses for why we can't do something. It only limits us.

We already can do everything; the sky is the limit. Some have already gone to the sky. I have never been limited, I guess I never got the memo that I was not equal. I do not support this measure. Thank you.

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

Representative **MCCREA**: Thank you, Mr. Speaker and Men and Women of the House. Certainly there are many, many very accomplished women in our lives, here in this body, in our state, in our local communities, nationwide, worldwide. But there is no way to negate the need for this bill just because we have very accomplished women in our lives and in our world.

I am absolutely astonished that this bill and its intent is still needed here in 2019. I personally would be ashamed of myself if I did not support LD 433 and I ask that you join me and follow my light. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bethel, Representative Head.

Representative **HEAD**: Thank you, Mr. Speaker, Men and Women of the House. This bill is not needed. Nobody with a complete understanding of the history and the current law is arguing that women are not already equal. Since the Equal Rights Amendment of 1923 was passed, countless states and federal law has ensured that women are not discriminated against. In 1940, 4% of women completed college; today, 35% do. The number of college degrees completed by women has been higher than completed by men for the last five years. Workforce participation by women has increased from 33% in 1948 to 87% today. At the same time, participation rate for men has fallen. We should celebrate the

success of women. We are not weak, but we are intelligent and strong. Thank you very much.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House. I rise in strong support of the motion in front of you.

Equality of opportunity and equality under the law are the pillars upon which our society and our state are built upon and it's time for Maine to enshrine that equality into our Constitution. Maine has a strong and rich history of incredible women being at the forefront of many, many, many, many professions. Just look around you right now. Think about the overwhelming majority of women that we have, the historical record of women that we had elected not only in this chamber, but across the hall and in the Chief Executive's office. Think about those who came before us. Think about what it must have been like to be the first woman elected to this body and walk down this hallway.

We're walking in the footsteps of giants like Margaret Chase Smith, who has already been quoted today. But this isn't just about women and this isn't about men and women or men versus women. More importantly, this is about everyone. This is about protecting people and making sure that everyone has equality and protections under the law regardless of their gender identity. It's time for us to move forward into the 21st century and recognize Maine's rich history of strong people and move forward and pass this. I urge you to follow my light.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Mr. Speaker, thank you. Ladies and Gentlemen of the House, good morning. Over the years I've had the pleasure and the opportunity to work with many capable, outstanding women in both public and private positions. They have set goals and they have worked to accomplish so much. They have been strong role models for all of our youth and the people around us. At home, we have been blessed with 12 grandchildren. Seven of those children happen to be young women. Those young women are being raised and they actually know no other message than that they are equal, and they are encouraged to become and do anything they want.

I think, in my simplest of simplest ways, that women are equal and equally blessed and extraordinarily blessed to be able to bring new life to the next generation. So, to the good intentions of others, I say thank you, but no thank you. I believe that we are in very good standing and women are equal. Sincerely yours.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, I rise in support of the Resolution before the Chamber.

As a state, we enshrine our most cherished and important values in our Constitution. We lay out the building blocks of a government by and for the good of the people. We've made a great deal of progress as a country since the Equal Rights Amendment was first proposed in 1923. Though we've made significant gains, we still have much more work to do. Our successes do not diminish the importance of protecting against discrimination. As stated by the Representative from South Portland, women today still face discrimination and gender-based violence in a broad range of areas. This is particularly true for women whose identities intersect with other social factors. Our Constitution should explicitly protect against sex-based discrimination both to reflect the progress we have

made as a society and to lay a foundation for all that we have yet to accomplish.

Approving this measure would send an unmistakable message to Maine people that the equality of men and women is a fundamental value we hold dear. Consider the value of that message and that protection for women who have faced forms of discrimination or violence throughout their lives, for young women who are launching careers and starting families, and for young people who are growing up in a society that's shaped by our leadership. I hope you will join me in supporting the Resolution before us. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Biddeford, Representative Foley.

Representative **FOLEY**: Thank you, Mr. Speaker, Women and Men of the House. We've heard this morning that because some, even many women have good, well-paying jobs, this is an unnecessary bill. I say that this assertion, in addition to the many other cogent arguments we have heard from proponents, illustrates the need.

The experience of a segment of the female population in attaining professional stature and comparable or superior compensation for work is not equally shared. The experience of a segment of the female population in avoiding gender discrimination in their workplace, being fortunate enough not to have experienced violence against their person, or having access to a full range of medical care is not guaranteed to every woman in our state or in our country. Pay inequity, gender discrimination in the workplace, violence against women, and gaining fair access to medical care are all issues that continue to concern many women in our state and in this country. Just because I may feel that some of these issues do not impact my life does not clear me of the responsibility to raise the standard of protection under the Constitution for others. I am a woman confident enough in my own strength to recognize that that strength and my capabilities are not threatened by formalizing the equality of women under the Constitution.

I urge you to join me in supporting this bill and ensuring equal rights under the law for women.

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

Representative **RECKITT**: Thank you, Mr. Speaker, Men and Women of the House. Some of you know I didn't expect this vote to come up this week. I was a bit surprised; it took me a while to calm down. However, when I thought of it, I realized this vote could not come too soon. This Resolution, this Equal Rights Amendment, is an outgrowth of my life's work for equality for women and men, both on the national level and this state. We have as yet failed on the national level, as some of you know. The federal Equal Rights Amendment is still not the law of this land. But that doesn't prevent us from making an equal rights amendment the law of this state.

Not only is this my life's work, it's what I believe. It's who I am. In this process, 118 members of this House and the body across the way, the Senate, have co-sponsored this bill. That's half of all of us plus another 25 people to spare. As I've talked to each of you, we have talked as equals, and that's what I want each Mainer to believe can be their reality. As I mentioned when I spoke at the hearing, I said, you know, this is Maine's bicentennial. It's just about the centennial of women's vote. Really, it's time.

I want to thank those of you who vote with me today and for those of you that don't, I want to thank you for sharing this moment with me and for being willing to be a part of Maine

history and of my history. I hope, however, that you'll be on my side of history, of course.

Speaking this moment for my granddaughters, the oldest of whom resides in the district of the Good Representative from Dexter, and the youngest who resides in the district of the Good Representative from Hamden, I hope that you two will think about my grandchildren, my granddaughters, and probably yours, and vote with me today.

I also want to thank all of you who spoke out today and at the hearings, and especially the young women who spoke today because they indeed are the future of Maine and I hope that that future includes equality under the strictest of scrutiny, however it comes.

This is a hard one for me and I frankly think that today's vote will probably go my way. I don't know whether it will, ultimately, but I hope that we can look at the fact that everyone in Maine deserves to have their voice heard on this issue, not just the hundred, and I can never remember the number, 151 in this House and 35, and if I could add it quickly, I would, but I only was a math major for a year so I apparently can't manage that one. So, I really want to ask you today to consider doing what I hope you will come to believe is the right thing. I do that occasionally myself. Somebody asked me today why I voted on a particular bill, whether it was personal that I voted that way, and I said no, no, I just wanted a minute to vote as my heart and my conscience said. I hope that some of you today will think of your children, your daughters, your granddaughters, your great-granddaughters, and choose to vote with me today, and I appreciate every last one of you that will. I'm actually sort of fond of some of you that won't, but I would rather you were with me.

Last night when I panicked and called a friend and I said I don't know what I'm going to do, I don't have a Floor speech written, he said the way you talk about this is from the heart because that's the way you're the most effective, and this means so much to me. I have spent almost 50 years of my life working for the Equal Rights Amendment and I haven't won yet, but I am a persistent son of a gun and I suspect you haven't heard the end of me, I hope, if my constituents agree. But it's important today that we send a message to people in this state, even if we fail on final enactment, that this body believes that equality is the right of women and girls in this state and the men in this state. It's often lost in the discussion that really this is likely to help men quicker than it will help women, in the same kind of way that the early anti-discrimination bills did. The first things that happened is men got helped by them, and that's fine, because what I want is equality between men and women, equality amongst all of us in this state, and I hope that you will join me today in this move to try to do that, so that the young boys, the young girls, the babies just being born, will come up in a world where they, in fact, will be totally equal, one with the other. Thank you so much, Mr. Speaker.

The SPEAKER PRO TEM: 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. 92

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

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

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanley, Harrington, Head, Higgins, Hutchins, Javner, Johansen, Keschl, Kinney, 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 - Doore, Drinkwater, Grignon, Hanington, Harnett, Kryzak, McLean.

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

87 having voted in the affirmative and 54 voted in the negative, with 7 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolution was **READ ONCE**. **Committee Amendment "A" (H-230)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-230)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act To Clarify Maine's Protection from Abuse Statutes"

(H.P. 733) (L.D. 978)

Signed:

Senators:

CARPENTER of Aroostook
BELLOWS of Kennebec

Representatives:

BAILEY of Saco
BABBIDGE of Kennebec
CARDONE of Bangor
CURTIS of Madison
EVANGELOS of Friendship
HAGGAN of Hampden
HARNETT of Gardiner
RECKITT of South Portland
TALBOT ROSS of Portland

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

Signed:

Senator:

KEIM of Oxford

READ.

On motion of Representative BAILEY of Saco, 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.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Repeal the Ranked-choice Voting Law"

(H.P. 877) (L.D. 1213)

Signed:

Senators:

LUCHINI of Hancock
HERBIG of Waldo

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-232)** on same Bill.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

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

READ.

Representative SCHNECK of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative STROM of Pittsfield **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 Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Mr. Speaker. I stand in opposition of the current motion.

As we all know, in 2016, ranked-choice voting was introduced in Maine on the ballot as question five. The two-and-a-half-million-dollar out-of-state dark money campaign sold the voters a false bill of goods that has created confusion, lack of confidence and the disenfranchisement of a very large number of Maine voters.

The voters were sold the idea that ranked-choice voting was a legal election method in our state. As we found out in May of 2017 in an opinion handed down from the Maine Supreme Court that ranked-choice voting conflicts with the Maine Constitution, I'm confident that if just this piece of information was available at the time, the voters would've soundly rejected the RCV experiment. Throughout the summer and fall of 2016, the voters were also bombarded with an ad campaign promising them that this system would reduce political negative attacks and improve civility. This is a quote

from one of the TV ads. It says it promotes civility in campaigns and encourages winning candidates to reach out to more people, reducing negative attacks. Just two years after ranked-choice voting passed in Maine, the 2018 congressional race for Maine's 2nd District became the most expensive in Maine's history, translating into even more negative ads; not more civility.

Another unkept promise sold to the voters was that the winners of the elections would receive at least 50% of the votes. Maine's citizens were inundated with hundreds of thousands of dollars in ads stating RCV is most likely to elect a candidate with broad appeal, it ensures that winners enjoy majority support when matched against their top opponents. Well, the facts are now in and in 2018 the 2nd Congressional race, Jared Golden was declared the winner with 142,440 votes of the 289,332 cast in that race. With some simple math, it is clear the winner did not receive more than 50% of the vote. With this abbreviated collection of points that have proven untrue of the campaign that brought us ranked-choice voting, I have personally heard from hundreds of Maine voters who have lost their confidence that their most fundamental right to have their vote counted has been taken away.

Just the fear that a person's vote no longer counts can cause some to not bother to vote and, in a sense, ultimately suppresses the vote. If there were a lemon law for legislation, this experiment would surely qualify. Supporting a full repeal of ranked-choice voting will restore confidence in Maine's election system for thousands of our constituents. More specifically, Mr. Speaker, in 2016, Maine's Congressional District Number 2 voted 153,391 to 171,278, a resounding 53% to 47%, no, we do not want ranked-choice voting. Androscoggin County said no; Aroostook County said no; Franklin County said no; Oxford County said no; Penobscot, no; Piscataquis, no; Waldo, no; Washington, no; Somerset County, no. In my district, the no vote was 44% to 56% no, with the two towns, Cambridge and Ripley, voting no better than two to one at 65% of the vote no.

Many of the people in District 2 feel disenfranchised under the ranked-choice voting system and have expressed to me that they feel their voice is no longer being heard.

Men and Women of the House, join with me today voting down this current motion in order to return confidence to our election system to thousands of our constituents. Thank you, Mr. Speaker.

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. 93

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

NAY - Andrews, Arata, Austin S, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham,

Dolloff, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanley, Harrington, Head, Higgins, Hutchins, Javner, Johansen, Keschl, Kinney, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, O'Connor, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Bickford, Doore, Drinkwater, Grignon, Hanington, Harnett, Kryzak, McLean, Ordway.

Yes, 86; No, 53; Absent, 9; Excused, 2.

86 having voted in the affirmative and 53 voted in the negative, with 9 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on 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)

Signed:

Senators:

LUCHINI of Hancock
HERBIG of Waldo

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-233)** on same RESOLUTION.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

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

READ.

Representative SCHNECK of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative STROM of Pittsfield **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: 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. 94

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich,

Grohoski, Handy, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCre, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Bickford, Doore, Drinkwater, Grignon, Hanington, Harnett, Kryzak, McCreight, McLean, Ordway.

Yes, 86; No, 52; Absent, 10; Excused, 2.

86 having voted in the affirmative and 52 voted in the negative, with 10 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Simplify Voting in Maine by Placing a Moratorium on Ranked-choice Voting"

(H.P. 1059) (L.D. 1447)

Signed:

Senators:

LUCHINI of Hancock
HERBIG of Waldo

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-234)** on same Bill.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

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

READ.

Representative SCHNECK of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative STROM of Pittsfield **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: 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. 95

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

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

ABSENT - Bickford, Doore, Drinkwater, Grignon, Hanington, Harnett, Kryzak, McLean, Ordway.

Yes, 86; No, 53; Absent, 9; Excused, 2.

86 having voted in the affirmative and 53 voted in the negative, with 9 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Concerning Elections in Maine Congressional Districts" (H.P. 1066) (L.D. 1454)

Signed:
Senators:

LUCHINI of Hancock
HERBIG of Waldo

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-235)** on same Bill.

Signed:
Senator:

CYRWAY of Kennebec

Representatives:

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

READ.

Representative SCHNECK of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

This bill would properly give the citizens of each Congressional District the opportunity to decide what they want to do regarding ranked-choice voting rather than having it imposed on them. I'd like to stress that the bill is agnostic toward ranked-choice voting. It merely enables each Congressional District to choose for itself, that's all. Isn't that what we stand for; to let the people be heard? In traveling around my district, which is in Congressional District 1, by the way, the repeated complaints I received was that they didn't vote for ranked-choice voting so why do we have to do it. Now that the people have had a chance to experience ranked-choice voting firsthand, they'll be able to once again voice their opinions, only this time from a more informed perspective.

When I return to my constituents, I'll be happy to say that I voted to let them choose and I hope that we all can say that when we go back to our districts. Please join me in voting no against the pending motion. Thank you, Mr. Speaker.

Representative DILLINGHAM of Oxford **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 Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Mr. Speaker. This is a common sense bill. The Congressional District should have the freedom to select the mechanism that they want to use to elect their congressional representative. I feel this would go a long way in healing the rift between CD 1 and CD 2. Please vote against the pending motion. Thank you.

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

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. When the people of my district, and my district, by the way, is entirely in the Second Congressional District, when that came up for a vote, the people of Fletcher's Landing, no; the people of Mariaville, no; the people of Waltham, no; the people of Sorrento, no; the people of Hancock, no; the people of Gouldsboro, no; the people of Sullivan, no; the people of Steuben, no; the people of Winter Harbor, no; the people of Osborn, no. Every town in my district voted no. Please let the people of my district have a choice in voting on this matter and vote no on the pending motion.

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

Representative **DeVEAU**: Thank you, Mr. Chair Pro Tem. Congressional District 2 voted overwhelmingly not to have ranked-choice voting and it was overturned by the Senate or Congressional District 1. Caribou voted no, New Sweden voted no and Westmanland voted no. The idea is the equal representation for the districts and allowing the Congressional Districts to vote on their own individuals by their own means would be the proper way to do this. I request that you follow my light. Thank you.

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

Representative **HUTCHINS**: Thank you, Mr. Speaker Pro Tem. Keeping up with the idea of making it clear as to why people might want to vote one way or the other on this issue, it's been quite a long time since the election and the process was gone through to count the votes and recount the votes and some people feel they didn't get as equal number of votes as others did, but nothing has been said as to how much extra it cost the State of Maine. And any of the extra that it cost, I'm sure can be figured out by someone. Perhaps I should ask a question.

The **SPEAKER PRO TEM**: Would the Member like to pose a question through the Chair?

Representative **HUTCHINS**: Yes, I would like to pose a question.

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **HUTCHINS**: And the question is what is an honest accounting of the extra money that it cost to run this type of election as opposed to what we are traditionally used to, especially for the Second District that didn't even want to run it this way, and if we - it's a long question - and if in the future we try to go to put more people, more seats into this election, how much will it cost? An honest answer, from all the transportation, all accounting, and I'd like to see that figure. Thank you.

The **SPEAKER PRO TEM**: The Member has posed a very long question through the Chair to anyone who cares to answer. The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. A lot.

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

Representative **RECKITT**: Thank you, Mr. Speaker. I have a question for someone who could answer it.

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **RECKITT**: I just looked at the bill and it says that it's going to be decided by referendum by each of the Congressional Districts. Would that mean that it would be decided each and every election by referendum or is somebody proposing a change to the, you should pardon the expression, Constitution.

The **SPEAKER PRO TEM**: The Member has posed a question through the Chair to anyone who cares to answer. The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. My assumption would be it depends on how the Secretary of State writes the referendum question. He could write it as an ongoing issue or not.

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

Representative **DILLINGHAM**: Thank you. From reading the language and speaking to Members on committee, I believe the intent would be that no, once the vote is held and it's set, that would carry forward until something else came forward, hopefully not, but to change it.

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

Representative **BRADSTREET**: Thank you, Mr. Speaker. Yes, as the sponsor of the bill, that was clearly my intent and it was expressed to the revisor's office when I submitted it. 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. 96

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

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

ABSENT - Bickford, Drinkwater, Grignon, Hanington, Harnett, Kryzak, McLean, Ordway.

Yes, 88; No, 52; Absent, 8; Excused, 2.

88 having voted in the affirmative and 52 voted in the negative, with 8 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-236)** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine To Facilitate the Use of Ranked-choice Voting for Governor and Members of the Legislature

(H.P. 1079) (L.D. 1477)

Signed:

Senators:

LUCHINI of Hancock
HERBIG of Waldo

Representatives:

SCHNECK of Bangor
ACKLEY of Monmouth
COOPER of Yarmouth
HICKMAN of Winthrop
HUBBELL of Bar Harbor
MCCREIGHT of Harpswell

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

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

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

READ.

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

Representative STROM of Pittsfield **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

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

Representative **ACKLEY**: Thank you, Mr. Speaker, my Friends in the House, and rather than make multiple Floor speeches today, I thought I'd throw it all in to one.

Mr. Speaker, since 2016, the Legislature has been having this slow-motion conversation with the citizens of Maine about who gets the last say in determining our election methods. After three years, two signature drives, multiple statewide ballots involving votes of hundreds of thousands of citizens, the people of Maine had decided to take matters into their own hands when the Legislature would not. They have exercised their constitutional rights twice now and we have ranked-choice voting for some of our statewide elections. The reason it is not all statewide elections, I suspect, is because the citizens of Maine do not have the means for directly changing the Constitution.

Now, I have heard it theorized by opponents that the voters were somehow twice hoodwinked, that the evil influence of dark money tricked the electorate into voting for ranked-choice voting. I hope you can hear the sarcasm in my air quotes, Mr. Speaker. If these hypotheses are really true, then I think there should be no fear in putting this up to the voters for a third time so that they can make their intentions clear.

Now, some of the issues brought up today about the first use of ranked-choice voting in a general election, the Good Representative from Canaan mentioned, I think are important to address. If I'm understanding correctly, there was the issue of votes being thrown out, there was the issue of a fake majority and there was the issue of civility. I'll start with civility and I can only imagine how uncivil the CD 2 race would have been had we not had ranked-choice voting. I suspect there might have been some physical violence on the debate stage.

As for votes being thrown away, Mr. Speaker, when a voter enters the voting booth, knowing what the rules are for voting, and they leave a ballot blank, that is their choice. That is their constitutional right. But they cannot object then to having their vote being thrown away. It is the voters that throw away their votes when they leave ballots blank.

As for the winner receiving fake majorities; I beg to differ. Because if we determine the majority based on who it is that expressed a vote, then the majority was clearly the winner of that election. If folks left their ballots blank and then we throw those folks into the numerator and the denominator, yes, you'll get a fake majority. But if folks are being counted that expressed an opinion, then the majority was quite clear in that race, according to the Secretary of State.

The proposed Constitutional Amendment we have before us today says nothing about ranked-choice voting, but it puts before us a bigger question that swallows the issue; should elected officials be the only authority to determine how it is that elected officials are elected? In the financial world, someone who has the power to write themselves a check with someone else's money without thorough oversight is a recipe for abuse. We should recognize that the political world is similar.

I'll be voting for this motion today because I believe that the citizens of Maine agree. Maine's citizens are the ultimate owners of their self-government; let's ask them if they think they should be a check and balance on the inaction of a Legislature. Elected officials should not solely determine how it is that elected officials are elected. Thank you, Mr. Speaker.

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

Representative **STROM**: Thank you, Mr. Speaker. I rise in opposition to the pending motion and I do so because if you look at what this bill does, it's going to allow ranked-choice voting to be used in races for the Legislature. Now, when this was passed at the ballot, the majority of the districts that we represent voted no on this. As you've heard in these other Floor speeches today on these other ranked-choice voting measures, people stood up and have said how every town in their districts voted this down. If everybody in this room was to vote how the majority of the voters in their district voted on ranked-choice voting, this would be voted down. Thank you.

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

Representative **FOSTER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I will only refer to a comment that was made. The people that I represent in my district and those in the Second Congressional District were not hoodwinked, and thus the reason for their vote against the referendum.

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

Representative **HUTCHINS**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House. We need to remember that this is the state that years ago sent a man to prison for tampering with votes back about 1990, give or take a little. And this particular form of voting is a little bit more confusing than just a regular recount. There is a formula put together to do it and I, for one, have had quite a few people say that they really don't understand it very well. I know I don't understand it very well. But when there is the opportunity, as was just mentioned, for skullduggery, sometimes it will arise, and it did once. So the simpler we can make elections, the less chance there will be for skullduggery. Thank you very much.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I support LD 1477 because it will give the people a choice and one of those choices is change. I believe the people of Maine and the person they entrust with executive power to be their leader are both, the people and the executive, are both better served if they are elected by a majority of the people's votes and LD 1477 would make that action possible.

The people are better served because it is a better expression of the people's will. The Governor is better served because he or she will serve with undeniable legitimacy --

The **SPEAKER PRO TEM**: The Member will defer. The Chair will remind all Members to refer to the Chief Executive as the Chief Executive.

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

Representative **BABBIDGE**: Thank you very much, Mr. Speaker. That's the one place where I didn't change that word. Thank you very much.

What is important is that Maine's Chief Executive be given what every Chief Executive deserves; a mandate.

Winning election to be Maine's top official brings with it the reasonable expectation that most people supported the winner. But especially in Maine's gubernatorial elections, that has not been true. Just in the last 25 years, we have selected governors with as little as 39, 38 and 35% of the vote; the lowest percentages in the nation. It is only with the majority vote, which LD 1477 would make that a possibility, it is only with that vote that a vote in which most of the people who voted supported the winner that the immense responsibility of wielding executive power is done with a mandate from the electorate. Man or woman, the Chief Executive deserves that. Liberal or Conservative, the voter deserves that. A clear expression of the people's will as expressed by a majority vote is what the electorate deserves and LD 1477 would make that selection possible. Why should we go to the trouble of raising the threshold to a majority vote if the people should so choose? In the case of the Chief Executive, unlike any other public official, they have a security detail and they run an official residence. She hires, directs, and supervises what used to be 21 staff people, I don't know if that's current, and commissioners. She either administers the State or she appoints the people who do. For the more than 12,000 people in the Executive Branch that run this state, the buck stops with her. She is responsible for enforcement of the laws, laws for 1.3 million people who live throughout 35,000 square miles of territory. She wields power as Commander in Chief of the Maine National Guard, she wields ultimate authority to create, approve and present an \$8 billion comprehensive biennial budget. She alone has the power to overturn the work of both law enforcement and the Judicial Branch with a pardon. And, finally, as the sole executive, she has the immense power to overturn the will of 186 elected Senators and Representatives, the entire Executive Branch, with a veto.

Unlike anyone else, the Chief Executive has great power and responsibility given to him or her by the voters. The constitutional threshold for that power should be a majority of voters, in my opinion. This is not about ranked-choice voting alone. I recognize the many advantages of ranked-choice voting and I recognize the few disadvantages of ranked-choice voting, but what we are talking here is about whether the Chief Executive and the Legislature should be elected by a plurality or a majority, and that decision we should put to the people. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. If people in this body are confused about the meaning of the Resolution, I understand that. It's long and complicated. But the summary states it well and succinctly. This Resolution proposes an Amendment to the Constitution of Maine to allow the Legislature or the people by using the direct initiative to determine whether the Chief Executive, State Senators and State Representatives are elected by a plurality or a majority of the votes. In other words, this Constitutional Amendment would not require under the Constitution either/or the plurality or majority; it leaves it to subsequent Legislatures or direct initiatives of the people. So it does not require ranked-choice voting in any sense of the word. It permits it, but it does not require it. Thank you.

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

Representative **KESCHL**: Thank you, Mr. Speaker. First, I would agree that the best result would be a majority vote. However, I have a question as it relates to ranked-choice voting. So, how does ranked-choice voting result in a majority

of those who voted, which is what we normally operate under, when exhausted ballots are not counted in the final tally?

The SPEAKER PRO TEM: The Representative from Belgrade, Representative Keschl, has posed a question through the Chair to anyone who may care to answer.

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

Representative **STEWART**: Thank you very much, Mr. Speaker, and I don't rise to answer the previous speaker's question, nor do I pretend to be a lecturer like the great Representative from Kennebunk, I know he spent a lot of hours in the classroom, but I would like to bring up to folks' attention as we talk about this that the Supreme Court has weighed in on this measure and they weighed in on this measure because there was a question in regards to what ranked-choice voting can and cannot be applied to as it relates to the wording in our Constitution. Now, back in 1820, almost 200 years ago, when Maine became a state, the framers of our Constitution decided to put a very deliberate word in that document. It was not majority, and while folks may feel that that should be the word now, that was put in place on purpose. And I believe that the chief reason behind that is because of the fact that that word protects the will of the minority from being overrun by the majority, from mob rule, which is, in effect, what we are deliberating on today; whether or not we're going to listen to the minority at all. And, consequently, if we wanted to change that word, we have to deliberate on it in this body, which we're currently doing, and then get to a super majority or two-thirds in order to actually enact that change. That's also not on accident. There's a reason that that threshold, that standard is so high. It's because it protects the minority from being overrun by the majority. And that is in effect what we are debating on today, Mr. Speaker. That is, in effect, why this hasn't happened any sooner, because the minority folks, do not feel that this is the right move for the State of Maine and our 200-year history. So, with that, I would respectfully request that you follow my light and we vote down this measure. Thank you.

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

Representative **RYKERSON**: Thank you, Mr. Speaker, Men and Women of the House. Just a little history lesson. It was not the framers of the Constitution who inserted this rule we're talking about. It was an Amendment to the Constitution, decades after the Constitution was written. I just wanted to make people aware of our history in Maine. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winterport, Representative Cuddy.

Representative **CUDDY**: Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the motion. So, as has already been stated very well, the bill would allow us to decide whether or not to use majority or plurality either by a vote of this body or by the direct initiative by the people. But there's a more fundamental question that was addressed by the Representative from Kennebunkport that I wanted to go over again a little bit. Essentially the question that is brought before us here is really how should the power that is wielded by folks who win elections be granted to them. All of our authority comes from the people, every last ounce of it. If the people decide that this form of government is no longer what they want to use, the people will make that change. None of us sitting here, no one sitting in this building, receives their power anywhere but the people. The Constitution bounds that power, the Constitution describes that power, and the Constitution limits that power, but the power is

given by the people. So how, then, should that power be transferred from the people to their representatives? Should it be transferred by a plurality of people, fewer than the majority, or should the power that is vested in those of us that sit in these chairs, that sit in this building, be given to us by a majority of the people?

Currently there are offices in our government that cannot be elected in a way that demands a majority, but it should be. The powers that were described earlier that are wielded by the Chief Executive are incredible. And for an individual to receive that authority and that responsibility and to receive it by 38%, 39% of the voters is, in my mind, a tragedy. We have to require, Mr. Speaker, that it is a majority of the people that agree that this individual should be the one who holds that power.

I've heard a couple of people say today that they are not fully clear on how this works and I would recommend; I saw our good Secretary of State, Dunlap, earlier today; stop him and ask him. He explained it to me quickly and simply years ago. The question has been posed how being that the Second Congressional District was decided by a plurality, how can we say that this law demands a majority, and it is simple; ranked-choice voting is a form of an instant runoff voting system. We rank our choices. We say who we want more than others. And each time no one reaches a majority, there is, in essence, a new election held with all of our decisions cast and if an individual decides they do not want to cast a vote, that is their right as well. You are not forced to vote for anyone you don't want to vote for, and if you leave your ballot blank, your ballot is not a part of what determines the majority and you have made your choice as a voter, Mr. Speaker, to say I do not wish to vote for any of the people who are left over, none of them are people I would want to have represent me, and you're welcome to do so. But, understand, that the majority is of those who voted in that election. It may well be a different number than the first election if nobody won a majority in that first election, because some folks may have decided I'm not willing to vote for anyone who is left over.

So, I look forward to being able to cast a vote in favor of this and hopefully move us a step closer to giving everybody the option, just the option, of using this system if they so choose. Thank you, Mr. Speaker.

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

Representative **ACKLEY**: Thank you, Mr. Speaker. I apologize for rising a second time. I have an answer for the question from the Good Representative from Belgrade on the matter of exhausted ballots. I think the previous speaker and my original speech have been clear about the issue of blank ballots and what happens when a blank ballot is submitted and to include that in a calculation of whether or not this represents a majority is illogical.

On the matter of exhausted ballots, Mr. Speaker, on the matter of exhausted ballots, I think the previous speaker has been clear; the candidate loses. And accepting the loss of a candidate who loses on an exhausted ballot is what ranked-choice voting is about. It's about accepting a loss, Mr. Speaker, and thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FACTEAU**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I echo the words of the Good Representative from Kittery, Representative Rykerson. I think it's important to note the history. The Constitution was amended after an 1879 election where there wasn't a majority

and the Constitution as it was constructed at that time said that the Legislature would decide. The Legislature could not decide 12 days later and as a result they amended the Constitution with the language that's in it today, so it was 59 years after we gained statehood that the Constitution reflects what it currently states, and I think it's important that we know that.

The SPEAKER PRO TEM: The Chair will remind all Members not to refer to other Members by their name.

The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Mr. Speaker. I guess I am to understand, then, that a majority of those who voted does not elect the candidate as we were told during all of the runup to the various referendum questions. People were told you're going to get a majority vote. It's not the majority of those votes cast, it's some majority down the road. And the second point I'd like to make is how is a voter supposed to know who the opponent is in a ranked-choice runoff or who the opponent is for the next candidate that they're choosing? They don't know, and that's one of the problems with ranked-choice voting and I urge you to vote against this amendment.

The SPEAKER PRO TEM: 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. 97

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

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

ABSENT - Beebe-Center, DeVeau, Drinkwater, Grignon, Hanington, Harnett, Kryzak, McLean, Sampson.

Yes, 85; No, 54; Absent, 9; Excused, 2.

85 having voted in the affirmative and 54 voted in the negative, with 9 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolution was **READ ONCE. Committee Amendment "A" (H-236) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-236)** and sent for concurrence.

Eight Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-239)** on Bill "An Act To Limit the Number of Students and Prevent the Addition of Grade Levels at Virtual Public Charter Schools" (H.P. 370) (L.D. 513)

Signed:

Senators:

MILLETT of Cumberland
CARSON of Cumberland

Representatives:

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

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-240)** on same Bill.

Signed:

Representatives:

DRINKWATER of Milford
RUDNICKI of Fairfield
SAMPSON of Alfred

Two Members of the same Committee report in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Senator:

POULIOT of Kennebec

Representative:

FECTEAU of Augusta

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

Representative FECTEAU of Augusta **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

The SPEAKER PRO TEM: The Member may proceed.

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

This bill aims to cap the number of virtual public charter school students. My contention is that at a time we are seeking multiple pathways, choices for students, and a 21st century student that desires more flexibility while at the same time, the same rigor of the regular classroom, we should not cap a parent's choice and we should allow the charter school commission to do its job. The virtual schools are already limited by their capabilities, standards and enrollment. Thank you.

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

Representative **BRENNAN**: Thank you, Mr. Speaker and Men and Women of the House. This bill before us is a compromise. Originally, the bill called for a capping at current enrollment of the two virtual charter schools that we have in the State of Maine. Presently, there are about 820 students that attend the two charter schools. But in recognition of the

waiting lists that those virtual schools have, we decided to increase that cap to 1,000. And why is the cap necessary? Because there's still continued debate across the country and in the State of Maine about the efficacy of virtual charter schools. So, this is a prudent compromise that caps the enrollment at 1,000, allows the state, the Education Committee, the Department of Education, to further evaluate the performance of virtual charter schools within the State of Maine and decide how to move forward in a prudent manner. Lastly, the bill does keep the grade level between 7 and 12 for the two charter schools. So, I think this is a reasonable compromise given the state of virtual schools within the State of Maine and I urge you to support the pending motion.

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

Representative **STROM**: Thank you, Mr. Speaker. I rise in opposition to the pending motion and I do so as a parent of a student who went to one of our virtual charter schools here in Maine. My youngest son, Tyler, when he was in junior high, went to Maine Virtual Academy, which is based right here in Augusta, and he loved it, and as his parent I really saw him flourish over his time there and it prepared him for high school at Maine Central Institute where he goes now. And there's a reason why these schools have a waiting list. The students like them, their parents like them, and I think we should support that and not put a cap on these schools. Let the market determine if they're doing a good job and the parents want to send their students there and the students want to go, we should not prevent them. Thank you.

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

ROLL CALL NO. 98

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

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

ABSENT - Beebe-Center, DeVeau, Drinkwater, Grignon, Hanington, Harnett, Kryzak, McLean.

Yes, 87; No, 53; Absent, 8; Excused, 2.

87 having voted in the affirmative and 53 voted in the negative, with 8 being absent and 2 excused, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-239)** 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-239)** and sent for concurrence.

Six Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass** on Bill "An Act To Streamline the Eviction Process"

(H.P. 780) (L.D. 1057)

Signed:

Senators:

CARPENTER of Aroostook
BELLOWS of Kennebec
KEIM of Oxford

Representatives:

CURTIS of Madison
HAGGAN of Hampden
RECKITT of South Portland

Six Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Representatives:

BAILEY of Saco
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
HARNETT of Gardiner
TALBOT ROSS of Portland

READ.

Representative BAILEY of Saco moved that the House **ACCEPT** Report "B" **Ought Not to Pass**.

Representative ARATA of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought Not to Pass**.

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 New Gloucester, Representative Arata.

Representative **ARATA**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I stand in opposition to the motion and in support of streamlining the eviction process.

Evictions in Maine take many weeks because we're careful not to violate the tenant's rights. However, the process is not equitable between landlords and tenants and wastes a lot of the Deputy Sheriff's time. Current statute requires ten visits to the property if the tenant refuses to answer the door. This legislation would simply reduce it to nine, by eliminating the second to last visit. Tenants are not surprised when the Deputy Sheriff serves the writ of possession because it occurs after multiple times of contact and there have been problems well before the process of eviction even started.

Now, evictions require a very specific process which is much more complicated than I will explain now, but I will outline the notice service process for you. First, the seven-day or 30-day notice is served by the landlord or the landlord's agent with three different efforts at service in hand before the notice can be posted on the door and mailed to the tenant. After that notice expires, the complaint and court summons are served by the Deputy Sheriff requiring three efforts on three

different days to serve in hand before posting on the door and mailing. If the tenant chose not to attend court, he is still mailed the results and notified of the right to appeal. Next, the writ of possession is issued seven days after the court judgement. The Deputy Sheriff must again make three attempts on three separate days to serve in hand and can post and mail on the third try. This is the step that we are proposing to change, by changing the required number of visits to the premises to serve the writ of possession from three to two. After the writ of possession is served, the tenant has 48 hours to vacate. If the tenant has not vacated the property, the landlord will meet the Deputy Sheriff at the property and change the locks. This could be the tenth visit to the property. The landlord cannot simply throw away the tenant's possessions. Everything left by the tenant must be stored in a safe, dry, secure location, and the landlord must follow the Maine statute regarding property disposition.

Currently, it's possible for a property to be visited ten times over the eviction process. This bill simply proposes to eliminate the second to last visit to reduce it to nine times. Maine's Deputy Sheriffs work very hard. Because Maine's counties are so large, they can spend a considerable amount of time traveling hundreds of miles to remote areas to serve documents. This bill would reduce some of that wasted time so they can focus on more important tasks while still ensuring that tenants receive plenty of advance notice. I urge you to vote against the Ought Not to Pass motion. Thank you, Mr. Speaker.

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

ROLL CALL NO. 99

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, 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, Cuddy, Curtis, Dolloff, Faulkingham, Fay, Fecteau J, Foster, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Jorgensen, Keschl, Kinney, Lockman, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Riseman, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White B, White D.

ABSENT - Beebe-Center, DeVeau, Dillingham, Drinkwater, Grignon, Hanington, Harnett, Kryzak, Lyford.

Yes, 84; No, 55; Absent, 9; Excused, 2.

84 having voted in the affirmative and 55 voted in the negative, with 9 being absent and 2 excused, and accordingly Report "B" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

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

**CONSENT CALENDAR
First Day**

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

(S.P. 89) (L.D. 277) Bill "An Act To Ban Telephone Solicitations Using an Artificial or Prerecorded Voice and Enhance Caller Identification" Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-88)**

(H.P. 644) (L.D. 870) Bill "An Act To Change the Membership of the Maine Commission on Domestic and Sexual Abuse To Include More Tribal Members" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 1102) (L.D. 1510) Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F, a Late-filed Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1179) (L.D. 1644) Bill "An Act To Clarify Conflict of Interest Requirements for the Board of Environmental Protection" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 39) (L.D. 38) Bill "An Act To Require Insurance Coverage for Hearing Aids for Adults" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-241)**

(H.P. 127) (L.D. 145) Bill "An Act To Expand the Membership of the Wild Blueberry Commission of Maine" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-227)**

(H.P. 326) (L.D. 417) Bill "An Act To Allow an Attorney To Copy a Driver's License" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-231)**

(H.P. 384) (L.D. 527) Resolve, Directing the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands To Establish a Law Enforcement Training Program for Park Managers and Certain Bureau Staff Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-229)**

(H.P. 387) (L.D. 530) Bill "An Act To Amend the Laws Governing Subrogation Rights for Medical Payments Coverage" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-242)**

(H.P. 860) (L.D. 1186) Bill "An Act To Exempt Agricultural Fairs from the Assessment of Demand Charges for Electricity" (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-228)**

(H.P. 955) (L.D. 1320) Bill "An Act To Require the Department of Environmental Protection To Provide Natural Resources Protection Act Permits to Affected Municipalities" Committee on **ENVIRONMENT AND NATURAL**

RESOURCES reporting **Ought to Pass as Amended by Committee Amendment "A" (H-238)**

(H.P. 1041) (L.D. 1431) Resolve, To Support Municipal Recycling Programs (EMERGENCY) Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-237)**

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
Acts**

An Act To Ensure the Integrity of For-profit Colleges and Universities

(S.P. 30) (L.D. 103)
(C. "A" S-83)

An Act To Strengthen Testing for Lead in School Drinking Water

(S.P. 40) (L.D. 153)
(C. "A" S-84)

An Act Authorizing Earned Employee Leave

(S.P. 110) (L.D. 369)
(C. "A" S-79)

An Act To Make Election Day a State Holiday

(H.P. 340) (L.D. 431)
(C. "A" H-188)

An Act To Continue the Doctors for Maine's Future Scholarship Program

(S.P. 118) (L.D. 440)
(C. "A" S-61)

An Act To Reduce Hunger and Promote Maine Agriculture

(S.P. 230) (L.D. 786)
(C. "A" S-81)

An Act To Provide Additional Flexibility in the Municipal Property Tax Assistance Programs for Seniors

(S.P. 247) (L.D. 811)

An Act To Exempt Diapering Products from Sales Tax

(H.P. 637) (L.D. 863)
(C. "A" H-212)

An Act To Prohibit the Provision of Conversion Therapy to Minors by Certain Licensed Professionals

(H.P. 755) (L.D. 1025)
(C. "A" H-213)

An Act To Update and Amend the Finance Authority of Maine Act

(H.P. 779) (L.D. 1056)
(C. "A" H-224)

An Act To Amend the Tax Expenditure Review Process

(H.P. 792) (L.D. 1069)

An Act To Prevent Sexual and Domestic Violence and To Support Survivors

(S.P. 357) (L.D. 1171)
(C. "A" S-86)

An Act To Ensure the Provision of Medical Assessments for Youth in Foster Care

(H.P. 999) (L.D. 1378)
(C. "A" H-215)

An Act To Improve Enforcement in the Elver Fishery
(H.P. 1107) (L.D. 1514)
(C. "A" H-221)

An Act To Change the Deadline for Submission of the
Annual Report of the Public Advocate
(S.P. 502) (L.D. 1567)

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, To Classify Employee Health Insurance as a
Fixed Cost for MaineCare Reimbursement in Nursing Homes
(S.P. 346) (L.D. 1126)
(C. "A" S-87)

Resolve, To Name the Route 7 Bridge in Corinna in
Honor of PFC Paul Earl Sudsbury
(S.P. 451) (L.D. 1471)

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.

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

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

SENATE PAPERS

Bill "An Act To Improve Geographic Information System
Data Acquisition and Maintenance"
(S.P. 568) (L.D. 1719)

Bill "An Act To Penalize Violators of Wood Shipment and
Quarantine Laws"
(S.P. 575) (L.D. 1726)

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 Allow the Confinement of Female
Prisoners at the Long Creek Youth Development Center"
(EMERGENCY)

(S.P. 572) (L.D. 1723)

Bill "An Act To Amend the Maine Emergency Medical
Services Act of 1982 and Related Provisions"

(S.P. 573) (L.D. 1724)

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

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

Bill "An Act To Amend the So-called Dig Safe Law"

(S.P. 569) (L.D. 1720)

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

REFERRED to the Committee on **ENERGY, UTILITIES
AND TECHNOLOGY** in concurrence.

Bill "An Act To Clarify the Pathway for a Registered
Dispensary under the Maine Medical Use of Marijuana Act To
Become a For-profit Entity" (EMERGENCY)

(S.P. 577) (L.D. 1735)

Bill "An Act Relating to the Retention and Hiring of Mental
Health Staff at the Department of Health and Human Services"
(S.P. 579) (L.D. 1737)

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 Compensate Corrections and Mental
Health Workers for Injuries and Illness Suffered While
Working"

(S.P. 578) (L.D. 1736)

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 Create a Minimum Age To Hold a Limited-
purpose Aquaculture License"

(S.P. 574) (L.D. 1725)

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

REFERRED to the Committee on **MARINE
RESOURCES** in concurrence.

Bill "An Act To Exempt Purchases by Pet Food Pantries
from Sales Tax"

(S.P. 567) (L.D. 1718)

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 Amend the Campaign Reports and
Finances Laws and the Maine Clean Election Act"

(S.P. 570) (L.D. 1721)

Resolve, Directing the Secretary of State To Develop a
Plan for Implementation of Automatic Registration of
Nonregistered Persons Qualified To Vote through Records of
the Bureau of Motor Vehicles

(S.P. 571) (L.D. 1722)

Bill "An Act To Create a Postsecondary Educational
Institution Program License for the Purchase of Liquor for
Certain Curricula"

(S.P. 576) (L.D. 1734)

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

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

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

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

Representative **McCREIGHT**: 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 **McCREIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, in reference to Roll Call No. 94 on LD 1332, had I been present, I would have voted yea.

On motion of Representative CURTIS of Madison, the House adjourned at 12:55 p.m., until 10:00 a.m., Thursday, May 16, 2019, in honor and lasting tribute to Anne Tibbetts Smith, of Norridgewock.