

ONE HUNDRED TWENTY-NINTH LEGISLATURE
SECOND REGULAR SESSION
19th Legislative Day
Thursday, March 12, 2020

Representative Erik C. Jorgensen of Portland assumed the Chair.

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

Prayer by Pastor Peter Sheff, Abundant Grace Ministries, Searsport.

National Anthem by Glenburn Elementary School Chorus.
Pledge of Allegiance.

Doctor of the day, Lisa Letourneau, M.D., Portland.

The Journal of Tuesday, March 10, 2020 was read and approved.

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

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Jeffrey A. Cammack, of Dedham. Mr. Cammack served with the Bangor Fire Department from 1979 to 2012, retiring as Chief after sixteen years of service in that position. He went on to serve as the Executive Director and legislative advocate for the Maine Fire Chiefs' Association. Mr. Cammack will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

(HLS 912)

Presented by Representative CARDONE of Bangor.
Cosponsored by Senator ROSEN of Hancock, Senator GRATWICK of Penobscot,

On **OBJECTION** of Representative CARDONE of Bangor, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Cardone.

Representative **CARDONE**: Thank you, Mr. Speaker. On December 28, 2019, the City of Bangor lost a native son and a dedicated public servant to the emperor of all maladies; cancer. Jeffrey Alan Cammack was born in Bangor in 1957. He graduated from Bangor High School and he joined the forestry program at the University of Maine after his graduation. In 1979, Mr. Cammack began his career as a Bangor firefighter; a career that lasted 34 years. He was hired on October 15, 1979, as a Bangor firefighter, promoted to Lieutenant July 3, 1988, promoted to Captain March 12, 1989, promoted to Assistant Fire Chief December 4, 1994 and appointed Fire Chief June 24, 1996, until he retired on February 29, 2012.

In addition to his long service with the Bangor Fire Department, Mr. Cammack is the past president and a life member of Maine Fire Chiefs' Association and served the last five years as the executive director of that association. He's a past president of Penobscot County Fire Chiefs Association, a past member and chairperson of Maine Fire Protection Services Commission, a longtime member of International Association of Fire Chiefs, serving on the EMS section of that board. In 2006, he was named Maine Fire Chief of the Year. He was a dedicated and well-known legislative advocate in these halls for Maine firefighters and he was a supporter of firefighter education as an adjunct fire science instructor at

Eastern Maine Community College. He was a former member of the Penobscot County Regional Communications Board. And, finally, but certainly not least to anybody who knew him, he was a family man, immensely proud of his wife, his children and his grandchildren.

Mr. Speaker, it's appropriate that today we remember this dedicated public servant, educator, family man and advocate for fire safety, both for the countless lives his work has saved and for the improved level of public safety that he brings to all Maine citizens. Thank you, Mr. Speaker.

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

Recognizing:

Bob Garver, of Harpswell, whose company, Wicked Joe Organic Coffees, has been designated Best in the World by B Corporation, a global organization setting standards of verifiable social and environmental performance, public transparency and legal accountability. We extend our congratulations and best wishes;

(HLS 902)

Presented by Representative McCREIGHT of Harpswell.
Cosponsored by Senator CARSON of Cumberland, Senator VITELLI of Sagadahoc, Representative TEPLER of Topsham, Representative HEPLER of Woolwich.

On **OBJECTION** of Representative McCREIGHT of Harpswell, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **McCREIGHT**: Thank you, Mr. Speaker. Wicked Joe Organic Coffee is a family-owned company committed to fair trade and sustainable business practices. This amazing company, the inspiration of Bob and Carmen Garver of Harpswell, was recognized recently by B Corporation as a Best for the World designation.

B Corp is a global organization that sets standards of verifiable social and environmental performance, public transparency and legal accountability to balance profit and purpose. Wicked Joe Organic Coffee was recognized in two categories; overall commitment and performance to these standards and for commitment to community. Bob and Carmen were also recognized by MaineBiz as Maine's Small Business Leaders of the Year in 2017, and have won Good Food awards in both 2017 and 2019.

The mission of Wicked Joe is to roast epic coffee in a manner that is kind to both the earth and to the farmers who painstakingly grow our beans. And, quoting Bob, we attribute our success in equal measure to our focus on maintaining the highest quality and doing it in a way that we and our neighbors in Maine can take pride. We're proud to be a Maine small business and ambassadors for our State. As Bob also says; I sometimes describe our company as internationally recognized and locally ignored, as we're not particularly good at tooting our own horn. So, I couldn't resist honoring them today with this sentiment.

The Garvers' commitment to community, though, hasn't stopped with coffee. Bob serves as president of the board of the Orr's and Bailey Island Fire Department and his entire family participates in events to benefit the OBIFD to help best serve the entire community.

Thanks to the Garvers for all they do for Maine and thank you for the great coffee and soon-to-be tea.

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

Recognizing:

the Kennebunk High School Girls Swimming and Diving Team, which won the school's first Class A State Championship. Members of the team include Annalise Cowing, Nina Sharp, Grace Girard, Chloe Matthews, Ella Yentsch, Rowan Pow, Maya Olin, Camilla Rawlings, Kaia Wirth and Emma Thomas; and coaches Andrew Coulombe, Susan Donaher and Guy Pollini. We extend our congratulations and best wishes;

(HLS 903)

Presented by Representative **BABBIDGE** of Kennebunk. Cosponsored by Senator **FOLEY** of York, Representative **DENK** of Kennebunk, Representative **INGWERSEN** of Arundel.

On **OBJECTION** of Representative **BABBIDGE** of Kennebunk, was **REMOVED** from the Special Sentiment Calendar.

READ.

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, on February 17, 2020, talented swimmers from all over Maine traveled to compete in Orono at the University of Maine. I take this opportunity to congratulate my fellow legislators and their high schools from Bangor, Cony, Gorham, Falmouth, Cheverus, Lewiston, Edward Little and Scarborough for making the top 10 in a talented 23-team girls championship field. The runner-up with 218 points was South Portland, but with 235.5 points, winning the girls state championship, was Kennebunk High School.

Kennebunk High is not the school I taught in for 31 years. It's been newly renovated into a beautiful building, and not with State money, I might add; Kennebunk citizens, very supportive of their young people, voted pay for the construction rather than wait, and will be paying off that bond in taxes for the next two decades. We're very supportive of our students. But we don't have a pool, so like many other girls around the State, they travel to practice. We go to Biddeford and they compete in their home meets at the Northern York County YMCA. A shout-out to the YMCAs that provide this opportunity for schools around the State, and the Y also, of course, is the organization that sponsors our Youth in Government program, where high school students participate in the model legislature in this very Chamber in the fall.

You can imagine the practice it takes to be a State champion. It is my pleasure to sing the praises for 10 young women from Kennebunk High School who won the first girls swimming state championship in school history. Thank you, Mr. Speaker.

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

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment, Tuesday, March 10, 2020, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Create the Cabinet on Aging

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

(C. "A" H-682)

TABLED - March 3, 2020 (Till Later Today) by Representative **MOONEN** of Portland.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative **MOONEN** of Portland, the Bill and all accompanying papers were **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE** and sent for concurrence.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 773)

**JOINT RESOLUTION RECOGNIZING THE
KENNEBEC HISTORICAL SOCIETY**

WHEREAS, the Kennebec Historical Society was founded in 1891, and its current location at the 1836 Henry Weld Fuller, Jr. House is in the county and city that host the seat of state government; and

WHEREAS, the society is a repository of tens of thousands of historical manuscripts, photographs, scrapbooks, maps, postcards and other ephemera about Kennebec County and elsewhere that are not available in other archives; and

WHEREAS, the society offers many community events for the public, including monthly lectures on topics touching on past events in every part of the State, with a focus in 2020 on Maine's Bicentennial; and

WHEREAS, the society also offers research and meeting facilities, including reading areas and access to a database cataloging approximately 19,000 items and collections; and

WHEREAS, the society's membership has increased steadily from a few dozen in 1990 to more than 540, and the scope of the society's focus has broadened to include many Kennebec County communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the work of the Kennebec Historical Society over the last 129 years and their mission to maintain archives of the past and to disseminate knowledge of the history of Kennebec County communities.

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

READ and **ADOPTED** in concurrence.

Non-Concurrent Matter

An Act Regarding the Definition of "Serious Bodily Injury"
in the Maine Criminal Code

(S.P. 302 (L.D. 1023)
(C. "A" S-116)

- In House, **PASSED TO BE ENACTED** on May 28, 2019.
- In Senate, **PASSED TO BE ENACTED** on June 19, 2019, in concurrence.
- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 629.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 374)

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

March 12, 2020
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 (H), I appoint Representative Erik C. Jorgensen of Portland to serve as Speaker Pro Tem to convene the House on Thursday, March 12, 2020.

Sincerely,
S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 377)

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

March 11, 2020
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 (I) (a), I have appointed Representative Kevin O'Connell of Brewer to the Joint Standing Committee on Veterans and Legal Affairs, replacing Representative Brian Hubbell, effective immediately. Please do not hesitate to contact me should you have any questions regarding this appointment.

Sincerely,
S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 375)

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

March 12, 2020

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 Criminal Justice and Public Safety has approved the request by the sponsor, Representative Martin of Sinclair, to report the following "Leave to Withdraw:"

L.D. 1873 An Act To Improve Response to Sudden Cardiac Arrest by Requiring Training in the Delivery of Cardiopulmonary Resuscitation Methods by Telecommunications Technology

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

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 376)

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

March 12, 2020

Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that pursuant to her authority, Governor Janet T. Mills has nominated the following:
on March 10, 2020

Jane F. Hecker-Cain of Kennebunk to the School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. This is necessary because she was not able to have a hearing within 30 days of the original posting.

Pursuant to Title 20-A §7406, this appointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

on March 11, 2020

The Honorable Richard W. Mulhern of Falmouth for appointment as a Justice of the Maine Superior Court.

Pursuant to Article V, Part First, §8, of the Maine Constitution, this appointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Judiciary.

Sarah Churchill of Windham and The Honorable Rob A. Langner of Fort Fairfield for appointment as a Judge to the Maine District Court.

Pursuant to Title 4, MRSA § 157, these appointments are contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,
S/Sara Gideon
Speaker of the House

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

The Following Communication: (H.C. 378)

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

March 10, 2020

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:"

Health and Human Services

L.D. 1950 An Act To Advance Palliative Care Utilization in the State (EMERGENCY)

L.D. 1951 An Act To Assist Persons with Disabilities Who Are Subject to Pill Count Requirements

Health Coverage, Insurance and Financial Services

L.D. 51 An Act To Implement the Recommendations of the Task Force on Health Care Coverage for All of Maine

L.D. 366 An Act To Protect Elderly Persons from Financial Abuse

L.D. 1085 An Act To Ensure That Maine Residents Have Adequate and Affordable Access to Health Care

L.D. 1673 An Act To Prohibit Prescription Drug Advertising

L.D. 2116 An Act To Improve Prescription Information Access

Taxation

L.D. 731 An Act To Amend the Maine Tax Laws

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (S.C. 1030)

**MAINE SENATE
129th LEGISLATURE**

March 10, 2020

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

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, Michael Wiers of St. Albans for reappointment to the Maine Milk Commission.

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

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 1031)

**MAINE SENATE
129th LEGISLATURE**

March 10, 2020

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

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 Criminal Justice and Public Safety, Peter J. Rogers of Yarmouth for appointment as the Maine Emergency Management Agency Director.

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

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 1032)

**MAINE SENATE
129th LEGISLATURE**

March 10, 2020

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Dear Speaker Gideon:

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

Upon the recommendation of the Committee on Education and Cultural Affairs:

- Lucas St. Clair of Falmouth for appointment to the Maine Public Broadcasting Corporation, Board of Trustees.
- The Honorable Emily Ann Cain of Orono for appointment, to the University of Maine System, Board of Trustees.
- The Honorable Lisa Marchese Eames of Cumberland for reappointment, to the University of Maine System, Board of Trustees.

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

READ and **ORDERED PLACED ON FILE.**

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

ORDERS

On motion of Representative FARNSWORTH of Portland, the following House Order: (H.O. 47)

ORDERED, that Representative Robert W. Alley, Sr. of Beals be excused February 25 and 27 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Anne M. Carney of Cape Elizabeth be excused March 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Scott W. Cuddy of Winterport be excused February 4 and 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeffery P. Hanley of Pittston be excused March 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard G. Mason of Lisbon be excused February 13 and 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Genevieve McDonald of Stonington be excused March 3 for personal reasons and March 5 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Tiffany Roberts of South Berwick be excused March 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Braden Sharpe of Durham be excused February 4, 25 and 27, and March 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Paul A. Stearns of Guilford be excused March 3 and 5 for health reasons.

READ and PASSED.

Speaker GIDEON assumed the Chair.
The House was called to order by the Speaker.

REPORTS OF COMMITTEE

Refer to the Committee on Criminal Justice and Public Safety

Pursuant to Joint Order

Representative WARREN for the **Joint Standing Committee on Criminal Justice and Public Safety** on Bill "An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force" (EMERGENCY)

(H.P. 1540) (L.D. 2151)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** pursuant to Joint Order 2019, H.P. 1515.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-416)** on Bill "An Act To Improve Maine's Tax Laws"

(S.P. 279) (L.D. 989)

Signed:

Senators:

CHIPMAN of Cumberland
SANBORN, H. of Cumberland

Representatives:

TIPPING of Orono
BICKFORD of Auburn
CLOUTIER of Lewiston
DENK of Kennebunk
MATLACK of St. George
STANLEY of Medway
TERRY of Gorham

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

KRYZAK of Acton
MAREAN of Hollis

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-416)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-416)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-416)** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-739)** on Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1478) (L.D. 2077)

Signed:

Senators:

MILLETT of Cumberland
CARSON of Cumberland
POULIOT of Kennebec

Representatives:

KORNFIELD of Bangor
BRENNAN of Portland
DODGE of Belfast
DRINKWATER of Milford
FARNSWORTH of Portland
INGWERSEN of Arundel
McCREA of Fort Fairfield
SAMPSON of Alfred

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

Signed:

Representatives:

FECTEAU of Augusta
RUDNICKI of Fairfield

READ.

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

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

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

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

Representative **FECTEAU:** Thank you, Madam Speaker, Ladies and Gentlemen of the House. Last session we dealt with a bill that moved the educator performance evaluation professional growth, or PEPG, in a real positive direction and that is reflected in the Chapter 180 rules before us. My objection to these rules lies in Sections 5 and 6, where it locks in corporate products that are approved for use. The State of Maine should not be in the business of crony capitalism, ensuring a product for sale to be burned into the rules. Professional development products should be able to stand on their own two feet. And, furthermore, as a public school teacher, I wouldn't survive the lunchroom tomorrow with my colleagues if they found out I had voted for the wildly unpopular Marzano framework and others to stay in the rules, which have tormented teachers for years and stolen hundreds of hours away from preparing meaningful lessons for our students in order to justify 40+ unscientific elements that teachers must prove in order to be given a favorable rating and remain employed. Thank you.

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

Representative **McCREA:** Thank you, Madam Speaker, Ladies and Gentlemen of the House. The major changes in 180 here are involved around teacher evaluation. And there were two things that were quite critical there. Number one, the committee, the local committee that sets up the way the evaluation system is tailored will now be made up of a majority of the teachers that will be evaluated, of the teaching staff, along with other people in the district such as school board members or superintendents, principals, whatever. So, the majority will be the teachers that are going to be evaluated by this system. The other part, it leaves it up to that local committee to determine whether student evaluations will be part of the system that evaluate the teacher. So, it's not that it is going to be mandated that they aren't, it will be up to the local district, it will be up to local control. So, I'm totally in favor of this change and I hope that someone would follow my light.

Thank you, Madam Speaker.

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

ROLL CALL NO. 367

YEA - Ackley, Alley, Arata, AustinB, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Drinkwater, Dunphy, Evangelos, Farnsworth, Fay, FecteauR, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kornfield, Landry, MadiganC, Marean, MartinJ, MartinR, Mastraccio, Matlack, Maxmin, McCrea, McCreight, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, O'Connell, Paulhus, Pebworth, PerryA, PerryJ, PierceT, Pluecker, Cravitt, Riley, Riseman, Roberts, Rykerson, Sampson, Schneck, Sheats, Stanley, Stearns, Stover, Swallow, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren, WhiteB, Zeigler, Madam Speaker.

NAY - Andrews, AustinS, Bickford, Blier, Bradstreet, Campbell, Curtis, DeVeau, Dillingham, Dolloff, Faulkingham, FecteauJ, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, MartinT, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Skolfield, Stetkis, Stewart, Strom, Theriault, Tuell, Wadsworth, WhiteD.

ABSENT - Cebra, Collings, Costain, Foley, Grignon, Kessler, McDonald, McLean, O'Neil, Sharpe, Tipping.

Yes, 91; No, 47; Absent, 11; Excused, 1.

91 having voted in the affirmative and 47 voted in the negative, with 11 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-739)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-739)** and sent for concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-742)** on Bill "An Act To Allow Microgrids That Are in the Public Interest" (H.P. 14) (L.D. 13)

Signed:

Senators:

LAWRENCE of York
MIRAMANT of Knox

Representatives:

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

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

Signed:

Senator:
WOODSOME of York

Representatives:
FOSTER of Dexter
GRIGNON of Athens
HANLEY of Pittston

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

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

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

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

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion and for the simple reason this item has been before this body before and defeated. And even though this time they attempted to correct some of the deficiencies, what the most glaring deficiency is that the Public Utilities Commission testified that everything required in this bill, they can already do. So, it's a piece of legislation unnecessary, and we're not here to do that. We're here to do things that are necessary. I ask you to follow my vote and defeat this measure. Thank you.

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

ROLL CALL NO. 368

YEA - Ackley, Alley, AustinB, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, FecteauR, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kornfield, Landry, MadiganC, MartinJ, MartinR, Mastraccio, Matlack, Maxmin, McCrea, McCreight, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, O'Connell, Paulhus, Pebworth, PerryA, PerryJ, PierceT, Pluecker, Reckitt, Riley, Riseman, Roberts, Rykerson, Schneck, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren, WhiteB, Zeigler, Madam Speaker.

NAY - Andrews, Arata, AustinS, Bickford, Blier, Bradstreet, Campbell, Corey, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, FecteauJ, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, MartinT, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, WhiteD.

ABSENT - Cebra, Collings, Costain, Grignon, Kessler, McDonald, McLean, O'Neil, Sharpe, Tipping.

Yes, 85; No, 54; Absent, 10; Excused, 1.

85 having voted in the affirmative and 54 voted in the negative, with 10 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-742)** 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-742)** and sent for concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-730)** on Bill "An Act To Create the Maine Clean Energy Fund and To Authorize a General Fund Bond Issue To Capitalize the Fund"

(H.P. 1177) (L.D. 1634)

Signed:
Senators:

LAWRENCE of York
MIRAMANT of Knox
WOODSOME of York

Representatives:

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

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

Signed:
Representative:

HANLEY of Pittston

READ.

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

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

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-741)** on Bill "An Act To Establish Appliance Energy and Water Standards"

(H.P. 1245) (L.D. 1750)

Signed:
Senator:

CARSON of Cumberland

Representatives:

TUCKER of Brunswick
BLUME of York
FAY of Raymond
GRAMLICH of Old Orchard Beach
HOBBS of Wells
ZEIGLER of Montville

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

Signed:

Senator: FOLEY of York

Representatives:

CAMPBELL of Orrington
JOHANSEN of Monticello
LYFORD of Eddington
SKOLFIELD of Weld

READ.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. When I arrived here in 1992, the lead on my then Banking and Insurance Committee meeting suggested that I ask myself every time I look at a piece of legislation is what is the problem, is this a solution and do we really need this legislation. Now, this legislation is addressing something that I've been involved with since 1973, a long time ago, the first oil shortage. It addresses appliances and fixtures, so, we're worried about the consumption of energy and water. Way back when, in my first pass of solar energy efficient homes, we were concerned about water so, we were addressing showerheads called a Nova showerhead. We put one in every house and by about a week after people had moved in, they'd removed it. It would mist, it didn't have the droplets. But here we are, fast-forwarding over 40 years ahead, the fixture industry has addressed that. Early on, they put in a restrictor in those showerheads and those faucets. You used to be able to take those out if you didn't like it. Now, you have to perform surgery on it, you have to take a drill and drill it out, so, people don't, people are satisfied with those fixtures.

In terms of appliances, we're all aware of the Energy Star appliance standards. There's a sticker on every appliance that is sold. Now, this also, in the statute, will refer to California's standards. It's interesting during the testimony we heard that the California standards really don't talk about the actual standards and specifications of these and neither does our statute. Our statute refers to the California standard. The California standard isn't defined in our statute, nor is it defined in their statute. You have to have an app to go to find out what the specifications are. Now, California has a different situation than we do; they have water shortage. We don't have a water shortage. So, yes, of course they want to save energy, they want to save water, so do we, we've been doing it since 1973. So, I have confidence in the consumer to buy the right piece of appliance or water fixture for themselves. I rely on the retailer to put that product on the shelf and I rely on the retail salespeople to sell it, to show the benefit, to show the lifecycle of savings. So, I'm not sure that this is necessary. In fact, I know it's not necessary. One of the pieces that came in in the amendment beyond appliances was computers. There was a representative from the computer manufacturing and sales industry who said no, this isn't necessary, we already do it.

I spent my Saturday two weeks ago going to Lowe's and Home Depot and had to collect about four or five salespeople because they didn't know if it was. I finally got the head of the department to show me and he said yes, everything on the shelf is already California standards. Again, no reason to put this into statute. Thank you.

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

Representative **ARATA**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. So, this bill imposes California energy and water usage standards on Maine and I lived in California for 11 years and experienced the rolling blackouts that you may have heard about. Indeed, California often has serious water and energy shortages due to naturally-occurring droughts, their dependence on irrigation for agriculture and their enormous population. However, Maine has none of these problems and it's inappropriate to impose California's problems on Mainers.

Also, according to the EPA, only 10% of homes in California are on septic systems, while half of homes in Maine are on septic systems, which require toilets and fixtures to use enough water to flush waste away to a distant septic tank. Now, I've been advised by several Maine plumbers that it's necessary to use more water to stop wastepipes from clogging, not less. So, this bill may be good for Roto-Rooter, but it's certainly not good for Maine. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Weld, Representative Skolfield.

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

The **SPEAKER**: The Representative may proceed with his question.

Representative **SKOLFIELD**: Can anyone tell me if the Department of Environmental Protection, who I assume will be enforcing this measure, has the staff and funding available to do it and what kind of staff and funding that would require? Thank you.

The **SPEAKER**: The Representative from Weld has posed a question through the Chair and the Chair recognizes the Representative from Warren, Representative Pluecker.

Representative **PLUECKER**: Thank you, I'd love an opportunity to respond to that question.

The Energy Office under the Chief Executive will be handling the administration of this bill and there is a fiscal note to the bill and that establishes the opportunity for them to hire two additional positions to administrate this bill. So, it does not go through DEP but through Energy Office. Should I just answer the question?

The **SPEAKER**: The Chair understands that the Representative also had his name in queue to speak and the Chair continues to recognize the Representative.

Representative **PLUECKER**: Thank you for the opportunity, Madam Speaker.

This is a pretty straightforward efficiency bill and when we look at efficiency, the amazing thing is that it puts money back into the ratepayers' pockets, it's an opportunity for us to reduce carbon emissions, and also, speaking to those roving blackouts, it's an opportunity to reduce some of the pressure put on our grid by excess energy usage. So, it really achieves a lot of things and the question is why aren't we doing this already, why hasn't the market stepped up and reduced the energy usage the way that we know will save ratepayers money. Well, the market is in it to make money, and taking money from ratepayers' pockets, is part of their mission. And so, at that point, we step in as a legislative body and we say

hey, actually, there is a public policy opportunity here to save us money, to save us the carbon emissions and move forward as a state.

This is a policy which has been put into effect across the country, not just California, but also in Vermont, Hawaii other New England states are currently looking at it. It's been a proven model and it has been saving ratepayers money across the country, as well as CO2 emissions. And the question of why do we put in the California regulations, that was an amendment that was asked for by a couple different parties. One was the Executive Branch because they're looking to reduce administrative costs, and that was one of our issues that we wanted to address with this bill. Instead of having to come up with our set of standards which would've cost time and money in terms of office hours and rulemaking, we were able to sidestep that and reference directly to the California database. The California database is something that has been in effect for a long time. It's easily accessed, you can plug in your model numbers and your appliance brand and find out if your appliance or your computer is on the database.

And then, the other thing, talking about computers, was that we were approached by, originally, the computer industry was opposed to this bill. I worked with them and what they really wanted to see was they didn't want to see a patchwork of standards across the country. They're already manufacturing computers that meet the California standard and they want to know that they can use those computers here in our State as well. And so, it really works for them. There's been a lot of industry work on this bill and it meets a lot of folks' needs. We can do this to reduce energy costs for consumers, we can do this to reduce the carbon dioxide emissions. This is a demonstrated policy that has a proven track record and please join me in passing this bill. Thank you.

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

Representative **HUTCHINS**: Thank you, Madam Speaker, Ladies and Gentlemen. I can only speak to a part of this.

I recently did a kitchen upgrade a year or two ago and we put in a new dishwasher in the kitchen and it seemed to run forever when we were trying to use it, so, we had the people come back that sold us the dishwasher and they said oh, well, nothing to worry about, this is a new style dishwasher that meets California standards. And what that means is it's a dishwasher that saves water by filtering the water over and over again, taking a picture inside the dishwasher until the dishes are clean, thus running the dishwasher three and four times as long as one that uses more water. It depends on whether you want to save water or save electricity. But these particular dishwashers save water, increase the use of electricity by maybe four times. Thank you.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I can just see it now; driving into Maine, we had a sign that said Maine, Open for Business, now we have a sign that says Maine, Welcome Home. The next sign we're going to have is going to say Maine, A Division of California. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: Thank you, Madam Speaker and ladies and gentlemen. Appliance standards work. I appreciated the remarks by the Representative from Orrington

about faucets, and I'm not going to talk too much about faucets because I don't have much experience with that.

In 1987, appliance energy conservation got started with the National Appliance Energy Conservation Act of 1987, which was passed under Ronald Reagan for many household appliances. These were enforced through the Department of Energy. The appliance industry at that time figured out that it was better to have a national standard than to have each state have standards individually. It was remarkably successful. For example, the amount of energy to run a refrigerator is one-fourth today as to what it was in 1990, and that's because of required minimum standards. The same with LED lights. The same with clothes washers and dishwashers. I can't even hear the dishwasher or the clothes washer in my house when it's working because it is so efficient.

We've been saving millions of dollars because the cost of the appliance is not just the purchase price, but the cost of the energy. The cost of energy may dwarf the cost of the appliance over time. This is just like the rules of comparison shopping that you see at the supermarket. With appliances, people can't compare very easily and, in fact, if you hire somebody to do an installation for you, they may be just looking at the upfront cost and not even consider the long-term energy cost. And these rules in California do not set the highest standard, they set a minimum standard. If you fall below the minimum standards, it is probably a pretty bad deal.

Now, in the ENR committee, we are seeing a pattern. Lately, the federal government has fallen down on a lot of standards, not only with appliances but with many standards, even rolling them back; PFAS, car efficiency, emissions standards. So, the states are against stepping up, we're trying to get back on track. Having all these states have different standards must be driving the manufacturers nuts because the pendulum has now swung back from the wisdom of Ronald Reagan. We're now in a crisis with the warming of the atmosphere. The goal that we have set in this body is an 80% reduction in emissions by 2050. To meet that goal, we need all hands on deck. We have to reduce the use of energy, particularly carbon fuels. This will be a major step and it will be one of the easier steps that we face between now and 2050. Appliance standards will save consumers and businesses in millions of reduced dollars and it will also approve emissions and conserve natural resources.

This bill leads the way by adopting efficiency standard for only eight appliances and products. We're not adopting the entire California code, just eight types of appliance and product. The reason this is done by reference to standards is because California has researched these standards, examined them and put in all the administrative costs to find out what they should be. California is the world's fifth largest economy. In the absence of federal leadership on national standards, manufacturers look to California to set the pace. Many states are joining California, and Maine should be one. The original bill adopted 17 different appliances and products. We reduced that down to eight. No longer will the DEP be enforcing it, the DEP, it will be the Chief Executive's Office of Energy. The Chief Executive's Office of Energy is also authorized to make an agreement with Efficiency Maine Trust to provide the technical assistance to consumers and businesses to make this work. And it only applies to appliances that were manufactured on or after January 1, 2022. There's lots of time to get ready. This also does not apply to anything offered for sale in a used condition. I don't understand the fear.

In regard to the water, I know that California has a water problem and we don't, and that has to do with the adequacy of

the water, but water bills are still going up here in Maine. The costs are increasing, particularly where we have this crisis with PFAS, the wastewater treatment people are going to be doing a lot of late work. The sponsor presented research that showed that we would save about \$140,000,000 cumulatively by 2035, by the products that reduce the water use. Also, you should understand, too much water is not good for the waste treatment plants, but I won't get into that in too much detail. Additionally, we are one nation, and the manufacturers are looking for one standard. There was no amendment suggesting that we take the water standards and set those aside and just do the electrical ones. I would ask my colleagues to join us and see if they wanted to do something about that, but I suspect what we really have here is fear; fear of uncertainty.

The SPEAKER: The Representative will defer. The Chair will just remind the Representative not to guess the motives of or refer to the motives of other members of the body.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House.

The SPEAKER: The Representative may continue.

Representative **TUCKER**: Thank you very much. There was nothing to proceed to; I said my last word. Thank you.

The SPEAKER: The Chair recognizes the Representative from Monticello, Representative Johansen.

Representative **JOHANSEN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This weekend I was home in Aroostook and a farmer was talking to me about this bill and he says he didn't understand how taking longer to fill a two-gallon pail to water a calf was a conservation measure, how that was going to help, it just takes him longer. He said a good answer to this is take a two-gallon pail and make it a gallon and a half. He can't get two gallons in a gallon and a half pail. It would force everybody to follow this standard. So, that was just his suggestion and I thought this would be a good place to bring it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Blier.

Representative **BLIER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. When I grew up, my parents had a fridge. I don't remember them buying a fridge, and when I left, they still had the same fridge. Recently, I bought a new fridge. It lasted 30 days and it went bad. So, I called the tech. Under warranty, they came and fixed the fridge. I paid \$550 for the fridge and it cost me \$625 to have it fixed.

If we're trying to save energy here, I get it, through energy usage. But the tech that was there told me that the fridges today are only good for five to seven years. What about the disposal fees? What about going to get the fridge and replacing the fridge, the gas consumption? If we're trying to save energy, I don't think making these things more cost-effective is really working to our favor. Thank you, Madam Speaker.

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

Representative **RYKERSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, the cheapest form of electricity is efficiency, sometimes known as the negawatt, that's N as in November. And it's much cheaper than a gas generator or a wind turbine or solar. So, efficiency is about one-quarter of the cost of electricity to build a new generation. So, if you don't want to see more solar or more

windmills or more gas generators, then you should support this bill. Thank you.

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

Representative **DeVEAU**: Madam Speaker, Ladies and Gentlemen of the House, I rise today in opposition to this bill, and one of the reasons why is that I represent roughly 9,000 people in Aroostook County. I've said it once or multiple times while I've been down here is that there's two states within the State of Maine and there has been an ongoing trend, so it seems, to make one of those California. I live in a part that won't be part of California and the simple fact is that while it may be cost efficient or, as the Good Representative said, it might sound great on paper, the fact of the matter is that the number of changes due to the southern portion of the State has made it almost very difficult for those of us in the north to be able to continue in our ways. Our populations are decreasing, so everything is going up and more expensive. I mentioned before, in the first session, that the place where my son and I would go to get chicken fingers, the cost of it has gone up over a dollar now to \$1.50 because of the decisions that have been made in this House that mirrors other states.

My question to all of you is are we Maine or are we California? And, if so, is there discussion maybe that we need to separate the State so that one can become California or remain Maine. Thank you.

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

Representative **DAUGHTRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House, I'll be brief. I'm just thinking that the new road sign in Kittery could say this is Maine and we stand up for consumers. Thank you.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. It still astounds me that I have grown up where we actually pay to drink a bottle of water. Water is more expensive than it used to be. Maine, of course, is known for its wonderful water supply. But, personally, regarding the faucet thing that the Representative from Orrington mentioned, I recommend the Moen Magnetix showerhead that uses 1.75 gallons per minute, about 30% less than the ordinary. The issue is not the amount of water, the issue is the amount of hot water. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Warren, Representative Pluecker.

Representative **PLUECKER**: Thank you, Madam Speaker. I just wanted to point out residential dishwashers are not covered in this bill, neither are hose spigots. If you're worried about appliances and those kinds of things in your home being affected by this bill, that's not what we're looking at. Most of the energy saved by this bill actually comes from computers and we've been working with the industry group of computers that have been doing this same product and program in California for a long time and they like this bill.

In terms of, I know the soundbite that we're Maine, not California works really well, you know, we've heard a lot of, you know, we're Maine, not Washington kind of stuff, we just can say all these things we're not. But what we are in the State of Maine is we're for efficient, effective government. And what this database that we are basically stealing from California does is we don't have to rewrite the book on this administratively, we have the chance to do this more cheaply and well. And so, that is what we're doing, and it provides an

opportunity for a soundbite but it means that we're getting the job done. Thank you.

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

Representative **ZEIGLER**: Thank you, Madam Speaker. At this point, what could anybody add? But what I will add is that I saw this bill go through committee and the Good Representative from the district that bumps mine, Representative Pluecker, worked very hard on this bill. As the Good Representative from Brunswick mentioned, he reduced the amount of items from 13 to eight. He talked to all the stakeholders, he moved this bill through, he produced a very good bill. Yes, we are looking to California because that is an economy of scale which will reduce the products available in Maine. If you want cheaper products, you always go with an economy of scale and if you want good products you need, as a consumer, to be able to look at the information. Consumers can't make that decision unless they have the necessary information. Thank you, I spoke actually longer than I thought I would.

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

Representative **HANLEY**: Thank you, Madam Speaker. A clarification, if I may?

The **SPEAKER**: Does this mean that the Representative has a question to pose through the Chair?

Representative **HANLEY**: Yes. Yes, Madam Speaker.

The **SPEAKER**: The Representative may proceed with the question.

Representative **HANLEY**: Thank you, Madam Speaker. I think it was mentioned earlier by the Good Representative from Orrington that what is proposed in this legislation is already taking place on the shelf. Is that true? Thank you.

The **SPEAKER**: The Representative from Pittston has posed a question through the Chair if there is someone, the Chair recognizes the Representative from Warren, Representative Pluecker.

Representative **PLUECKER**: Thank you for the question. That is right. The products that we're talking about right now are on the shelf. But what happens is you can offer a slightly cheaper product for one dollar, two dollars cheaper, and you go ahead and you buy that as a consumer, making additional money for the market or the manufacturers without the consumer realizing that by the end of year you will have paid more than that dollar or two that you saved on the initial purchase price in either water costs or energy costs. And that's why some of you might see the handout on your desks, the energy savings are so dramatic on this bill over the next 15 years. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. I truly appreciate the passion for the sponsor and the hard work. Again, I'm concerned that we're loading the statute up with things that really aren't necessary and, as others have mentioned, it's already occurring in the marketplace. The big concern I have is, as been mentioned, these appliances don't last that long anymore. Yes, it's not to household yet, but we always talk about the camel's nose under the tent, that could be coming soon.

There's been a significant change, as the Good Representative from Brunswick has mentioned, in the consumption. Energy Star appliances are good tools to both sell the product and for the consumer, but I'm concerned about those less fortunate. Some people just can't afford to get to

these higher than Energy Star standards. And when you get into a situation where it's a function of okay, you can save this money over a period of time, but, like they say, it takes money to make money. And I'm concerned that those less fortunate in this State not be able to comply with a California standard.

The **SPEAKER**: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker, Men and Women of the House. I stand in opposition to this bill for a couple of reasons.

Number one, the unintended consequences of this anti-business legislation. With the conversation I just heard from a few, it sounds as if we're going to create a very lucrative cross-border business opportunity for our neighbors as Mainers search to purchase products that are no longer available and cross the border and purchase them over there. I don't think that's probably what we ought to be doing when it comes to legislation like this. The other is the concern for folks in our hospitality industry. When they need to replace some very expensive equipment, the upgrades to that equipment are going to be substantially more expensive.

The other thing that was mentioned was water systems. In more than half of this State, water systems are private systems. We're not overwhelming wastewater treatment plants, we have our own wells, we have our own septic, but this law is going to apply to us just as much as anybody else. So, for those reasons, I'm going to vote no on this legislation. Thank you.

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

Representative **GRAMLICH**: Thank you, Madam Speaker. Madam Speaker, one of the tenets of this bill aims to conserve water. And while Maine is, indeed, a water-rich state, unlike our western states, it is incumbent upon all of us, both nationally as well as globally, to practice conservation. Passing this bill is a step in the right direction. It is incumbent on all of us to be responsible stewards for our natural resources and for our environment. I agree with the previous speaker who outlined the good, hard work both our sponsor of this bill as well as our committee did on this bill. I urge you to vote yes on this particular piece of legislation. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Jay, Representative Riley.

Representative **RILEY**: Thank you, Madam Speaker. Madam Speaker, I just want to address a couple of things that I've heard during the debate. The first one is that for a lot of users, especially those low-income people that we are all very worried about, developers and builders often will put in where they'll build a spec home or they'll build an apartment building using the least-expensive fixtures and as a contractor I have seen this over and over and over again. They save all kinds of money buying the least-expensive alternative and the users, who are very often low-income renters, end up having to pay for the increased electricity or water usage that those fixtures demand.

I want to mention that efficiency does not equal a lack of quality, one of the mantras that we go by in our former construction business was that you can spend more to get fancy but you can't spend more to get quality these days. It's pretty much gone. So, getting a more efficient unit is not going to make it a less quality unit, that's just a given no matter where you are.

I also want to mention the pressure that I'm feeling as a member of this body and as a member of the EUT committee to keep our electric rates as low as possible and, has already been mentioned, efficiency is the best way to do that and the more we push those standards, the lower that we can keep our electric rates. I also want to mention that there is an enormous and insurmountable shortfall in funding for public water and sewer systems, so, even though everybody in the State does not use public water and public sewer, we still need to fund those things and right now we're under an enormous amount of pressure to keep up with what we have. Anything that we can do to take the pressure off of those systems is certainly going to save taxpayers and ratepayers money. Thank you.

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

ROLL CALL NO. 369

YEA - Ackley, Alley, AustinB, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, FecteauR, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kornfield, Landry, MadiganC, MartinJ, MartinR, Mastraccio, Matlack, Maxmin, McCreia, McCreight, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, O'Connell, Paulhus, Pebworth, PerryA, PerryJ, PierceT, Pluecker, Reckitt, Riley, Riseman, Roberts, Rykerson, Schneck, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, WhiteB, Zeigler, Madam Speaker.

NAY - Andrews, Arata, AustinS, Bickford, Blier, Bradstreet, Campbell, Corey, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, FecteauJ, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, MartinT, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, WhiteD.

ABSENT - Cebra, Collings, Costain, Grignon, Kessler, McDonald, McLean, O'Neil, Sharpe.

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

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

The Bill was **READ ONCE. Committee Amendment "A" (H-741)** 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-741)** and sent for concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-732)** on Bill "An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee"

(H.P. 364) (L.D. 507)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

SYLVESTER of Portland
AUSTIN of Gray
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
RYKERSON of Kittery
TUCKER of Brunswick

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro
MORRIS of Turner

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-732)** 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-732)** and sent for concurrence.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-733)** on Resolve, Establishing a Commission To Study the Existing and Potential Effects of Freshwater and Marine Debris on Maine's Freshwater and Coastal Habitats and Species (EMERGENCY) (H.P. 691) (L.D. 936)

Signed:

Senators:

MIRAMANT of Knox
DOW of Lincoln
VITELLI of Sagadahoc

Representatives:

McCREIGHT of Harpswell
BLUME of York
HEPLER of Woolwich
HUTCHINS of Penobscot
McDONALD of Stonington

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

Signed:

Representatives:

FAULKINGHAM of Winter Harbor
JAVNER of Chester
TUELL of East Machias

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-733)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-733)** and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 781)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, March 17, 2020 at 10:00 in the morning, or at the call of the President of the Senate and the Speaker of the House, respectively.

Came from the Senate, **READ** and **PASSED**. **READ** and **PASSED** in 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. 49) (L.D. 162) Bill "An Act To Eliminate the State Income Tax on Maine Public Employees Retirement System Pensions" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-418)**

(S.P. 651) (L.D. 1899) Bill "An Act To Amend Certain Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-419)**

(H.P. 1474) (L.D. 2073) Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Major Substantive Rule of the Department of Public Safety, Office of the State Fire Marshal (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 415) (L.D. 571) Resolve, Directing the Department of Transportation To Initiate a Service Development Plan for Commuter and Passenger Train Service between Portland and the Lewiston and Auburn Area Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-736)**

(H.P. 1331) (L.D. 1860) Bill "An Act To Establish a Process for the Consideration and Implementation of Changes to School Curricula" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-740)**

(H.P. 1410) (L.D. 1966) Bill "An Act To Amend the Laws Regarding Parking for Vehicles with Disability Placards and Plates" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-735)**

(H.P. 1435) (L.D. 2014) Bill "An Act To Amend the Laws Governing the Maine State Grant Program" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-737)**

(H.P. 1453) (L.D. 2042) Resolve, To Allow the Department of Public Safety To Transfer Certain Property to the LifeFlight Foundation Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-729)**

(H.P. 1468) (L.D. 2066) Bill "An Act To Authorize the Maine Pilotage Commission To Establish Alternative Initial License Criteria for Existing Pilots Seeking Endorsements for Low Traffic Volume Routes" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-734)**

(H.P. 1472) (L.D. 2071) Resolve, Regarding Legislative Review of Portions of Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-738)**

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

There being no objection, the Senate Papers were **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.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment, Tuesday, March 10, 2020, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-714)** - Minority (2) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1473) (L.D. 2072) TABLED - March 5, 2020 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-714)**.

Representative KORNFIELD of Bangor **PRESENTED House Amendment "A" (H-745)** to **Committee Amendment "A" (H-714)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-714) As Amended by House Amendment "A" (H-745) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-714) As Amended by House Amendment "A" (H-745)** thereto and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-713)** - Minority (3) **Ought Not to Pass** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding Utility-related Fees"

(H.P. 1347) (L.D. 1881)

TABLED - March 5, 2020 (Till Later Today) by Representative BERRY of Bowdoinham.

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

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

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

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

ROLL CALL NO. 370

YEA - Ackley, Alley, AustinB, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, FecteauR, Foley, Foster, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kornfield, Landry, MadiganC, MartinJ, MartinR, Mastraccio, Matlack, Maxmin, McCreight, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, Paulhus, Pebworth, PerryA, PerryJ, PierceT, Pluecker, Reckitt, Riley, Riseman, Roberts, Rykerson, Schneck, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, WhiteB, Zeigler, Madam Speaker.

NAY - Andrews, Arata, AustinS, Bickford, Blier, Bradstreet, Campbell, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, FecteauJ, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, MartinT, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Strom, Swallow, Theriault, Tuell, Wadsworth, WhiteD.

ABSENT - Babbidge, Cebra, Collings, Costain, Grignon, Kessler, McDonald, McLean, O'Connell, O'Neil, Sharpe, Stewart.

Yes, 86; No, 51; Absent, 12; Excused, 1.

86 having voted in the affirmative and 51 voted in the negative, with 12 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-713)** 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-713)** and sent for concurrence.

SENATE PAPERS

Bill "An Act To Permit Naloxone Possession and Administration in Public and Private Schools"

(S.P. 776) (L.D. 2152)

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

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

Bill "An Act To Establish an Accidental Drug Overdose Death Review Panel" (EMERGENCY)

(S.P. 779) (L.D. 2153)

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

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

ORDERS

On motion of Representative BAILEY of Saco, the following Joint Order: (H.P. 1541)

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary shall report out, to the House, legislation implementing the recommendations of the Sixth Amendment Center's report, The Right to Counsel in Maine: Evaluation of Services Provided by the Maine Commission on Indigent Legal Services.

READ and PASSED.

Sent for concurrence.

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

The SPEAKER: That concludes our business for today but I just wanted to make an announcement from the rostrum with an update on the latest precautions that we are taking to deal with the spread of COVID-19, and I want to preface this with the fact that this is obviously something that is quickly changing and evolving and that we are doing our very best to stay on top of and ahead of and to do the right thing in balancing both the safety and public health of people who come in and out of this building and who interact with people who work and come in and out of this building, and also fulfilling our duties to the public as legislators and making sure that we are able to conclude work on at least the most important or emergency legislation that is in front of us.

So, that being said, as presiding officers, there are a couple of measures that the Senate President and I have decided to take starting immediately. This includes no public tours of the State House, no pages, as you might have seen today, no concerts, no Hall of Flag events, and we will also be closing the gallery to the public and providing a designated space to livestream the actions of the House that also started today. We are additionally having ongoing conversations about expediting the work that this body has to complete and we will keep you updated as we are able to determine and agree on the courses of action for those. This will at least definitely include a moratorium on sentiments effective immediately but more information I expect will be coming to all of you regarding this.

Additionally, all of legislative leadership will be meeting today from four caucuses to discuss additional measures and plans and we'll continue to communicate those plans with you in as transparent and timely a manner as possible. Additionally, we're a little bit past the time now, but at noon, Governor Mills, I believe she started right at noon, a press conference with an update on Maine's response to COVID-19 and this was available via livestream to people. We will do our best to make sure that folks who have been in the chamber during this time are able to get that information.

And, additionally, I just want to announce a couple of other things. The Maine CDC has announced a phone update via 2-1-1 that is available and additionally Dr. Shaw is going to make himself available to legislators on a weekly basis every Friday starting tomorrow for 30 minutes from 2:00 to 2:30. This will include a time where he is able to share information with us but also where legislators are able to ask questions. There will be a conference call number that is distributed, I don't have that at this moment but we will make sure that we get that out to you from both presiding officers. And, additionally, I want to just say that we are doing our best to monitor the situation, to keep everyone as updated as possible, and to make sure that we have clear lines of communication and guidelines. It is obviously a very challenging situation to stay ahead of, and I thank you for your patience, and I thank you for your dedication to your jobs and to the people of Maine, and we'll have more information for you as soon as possible.

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

On motion of Representative HEPLER of Woolwich, the House adjourned at 12:27 p.m. until 10:00 a.m., Tuesday, March 17, 2020, or at the call of the President of the Senate and the Speaker of the House, respectively, pursuant to the Joint Order (S.P. 781) and in honor and lasting tribute to Jeffrey A. Cammack of Dedham, Gregory Lee Lemar of Dresden and Richard Desmarais of Ogunquit.