

ONE HUNDRED TWENTY-NINTH LEGISLATURE
FIRST REGULAR SESSION
45th Legislative Day
Thursday, May 30, 2019

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

Prayer by Pastor Mark Rustin, Carmel Union Congregational Church.

National Anthem by Karen Lawlor, Vassalboro.

Pledge of Allegiance.

Doctor of the day, Philip Abraham, M.D., Waterboro.

The Journal of yesterday was read and approved.

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

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

CONSENT CALENDAR
First Day

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

(S.P. 504) (L.D. 1585) Bill "An Act To Allow the City of Augusta To Adjust the Definition of 'Original Assessed Value' for the City of Augusta's Performance Food Group Municipal Tax Increment Financing District and To Validate the Assessment, Commitment and Collection of Property Taxes Dedicated for the District for the Fiscal Years 2018-19 and 2019-20" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass**

(S.P. 566) (L.D. 1712) Bill "An Act To Amend and Clarify the Maine Uniform Securities Act and To Make a Technical Correction in the Law Concerning Financial Planners" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(S.P. 121) (L.D. 443) Bill "An Act To Prevent Vitamin K Deficiency Bleeding and Eye Damage in Infants" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-153)**

(S.P. 301) (L.D. 1022) Bill "An Act Regarding the Crime of Tampering with a Witness, Informant, Juror or Victim" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-159)**

(S.P. 322) (L.D. 1090) Bill "An Act To Update the Criminal Animal Welfare Laws" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-160)**

(S.P. 421) (L.D. 1353) Bill "An Act To Establish Transparency in Primary Health Care Spending" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-156)**

(S.P. 494) (L.D. 1559) Bill "An Act To Require the Public Utilities Commission To Open an Investigation Whenever It Initiates a Management Audit" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-154)**

(S.P. 509) (L.D. 1603) Bill "An Act To Improve Cell Phone Service in Underserved Areas by Installing Wireless Base Stations at State-owned Facilities" Committee on

ENERGY, UTILITIES AND TECHNOLOGY reporting **Ought to Pass as Amended by Committee Amendment "A" (S-155)**

(S.P. 574) (L.D. 1725) Bill "An Act To Create a Minimum Age To Hold a Limited-purpose Aquaculture License" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-163)**

(H.P. 1027) (L.D. 1414) Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Penalties for Violations of the Freedom of Access Act" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 1188) (L.D. 1652) Bill "An Act To Make Technical Changes to the Taxation of Marijuana" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 1243) (L.D. 1744) Bill "An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 82) (L.D. 96) Bill "An Act To Require Disclosure at the Sale or Transfer whether Real Estate Has Been Used in the Manufacture of Methamphetamine" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-386)**

(H.P. 106) (L.D. 124) Bill "An Act To Exempt from Sales Tax an Island-based Nonprofit Provider of Ambulance Services" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-383)**

(H.P. 628) (L.D. 854) Bill "An Act To Improve Tax Incentives for Broadband Service" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-385)**

(H.P. 847) (L.D. 1158) Bill "An Act To Provide Property Tax Relief" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-382)**

(H.P. 863) (L.D. 1189) Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2020" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-377)**

(H.P. 891) (L.D. 1230) Bill "An Act To Update the Civil Animal Welfare Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-380)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children (EMERGENCY)

(H.P. 1289) (L.D. 1809)

Sponsored by Representative MADIGAN of Waterville.

Cosponsored by Representative: PERRY of Calais.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 Provide a Sales Tax Exemption for Certain Nonprofit Charitable Organizations"

(H.P. 1288) (L.D. 1808)

Sponsored by Representative STEWART of Presque Isle.

Cosponsored by President JACKSON of Aroostook and Representatives: BICKFORD of Auburn, DILLINGHAM of Oxford, MADIGAN of Waterville, WHITE of Waterville, Senator: DOW of Lincoln.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

Sent for concurrence.

Bill "An Act To Amend the Laws Governing Military Leave for Officials and State Employees"

(H.P. 1285) (L.D. 1805)

Sponsored by Representative STEWART of Presque Isle.

Cosponsored by Senator LUCHINI of Hancock and Representatives: SCHNECK of Bangor, STROM of Pittsfield, Senator: CYRWAY of Kennebec.

Submitted by the Department of Defense, Veterans and Emergency Management and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Amend the Laws Governing Veterans' Services"

(H.P. 1286) (L.D. 1806)

Sponsored by Representative STEWART of Presque Isle.

Cosponsored by Senator LUCHINI of Hancock and Representatives: SCHNECK of Bangor, STROM of Pittsfield, Senator: CYRWAY of Kennebec.

Submitted by the Department of Defense, Veterans and Emergency Management and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Amend Certain Laws Related to Members of the Military and the Maine National Guard"

(H.P. 1287) (L.D. 1807)

Sponsored by Representative STEWART of Presque Isle.

Cosponsored by Senator LUCHINI of Hancock and Representatives: SCHNECK of Bangor, STROM of Pittsfield, Senator: CYRWAY of Kennebec.

Submitted by the Department of Defense, Veterans and Emergency Management and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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**.

At this point, pursuant to her authority under House Rule 401.1, the Chair assigned Representative GRIGNON of Athens to Seat 88 and Representative ORDWAY of Standish to Seat 85.

SENATE PAPERS

Non-Concurrent Matter

An Act To Amend Maine Fireworks Laws To Include Flame Effects (EMERGENCY)

(H.P. 1117) (L.D. 1534)

(C. "A" H-286)

PASSED TO BE ENACTED in the House on May 28, 2019.

Came from the Senate **FAILING** of **PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

On motion of Representative WARREN of Hallowell, the House voted to **RECEDE**.

The same Representative moved that **Committee Amendment "A" (H-286)** be **INDEFINITELY POSTPONED**.

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

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

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

Representative **MOONEN**: Thank you, Madam Speaker. I want to make sure I have my understanding of what is happening correct. So, the Representative from Hallowell moved to recede, which takes us back to the position of deciding what to do on this bill. You said the pending question is adoption of Committee Amendment A. It's my understanding that Committee Amendment A added the emergency enactor on this bill. So, by moving to indefinitely postpone Committee Amendment A, all we are doing is removing the emergency from this bill and then, if that is accepted, moving forward. Is that correct?

The **SPEAKER**: The Chair would answer in the affirmative. Receding put us in the position where we had passed the bill previously but before the Adoption of Committee Amendment "A" the Representative from Hallowell has moved to Indefinitely Postpone Committee Amendment "A", which is the emergency on the bill. So, Indefinite Postponement of Committee Amendment "A" would remove the emergency and that is the pending question at the moment.

Subsequently, **Committee Amendment "A" (H-286)** was **INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Non-Concurrent Matter

An Act To Ensure the Availability of Community Integration Services (EMERGENCY)

(H.P. 568) (L.D. 763)

(C. "A" H-252)

FAILED of **PASSAGE TO BE ENACTED** in the House on May 23, 2019.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252) AS AMENDED BY SENATE AMENDMENT "A" (S-162)** thereto in **NON-CONCURRENCE**.

Speaker GIDEON of Freeport moved that the House **RECEDE AND CONCUR.**

Representative O'CONNOR of Berwick **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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 to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 152

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Cooper, Craven, Crockett, Cuddy, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, 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, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Collings, Daughtry, Griffin, Grignon, Hanley, Paulhus, Theriault.

Yes, 86; No, 55; Absent, 7; Excused, 2.

86 having voted in the affirmative and 55 voted in the negative, with 7 being absent and 2 excused, and accordingly the House voted to **RECEDE AND CONCUR.**

COMMUNICATIONS

The Following Communication: (H.C. 188)

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

May 30, 2019

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

Dear Speaker Gideon:

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

Education and Cultural Affairs

L.D. 296 An Act Regarding Student Privacy with Respect to Video Recordings

L.D. 632 An Act To Promote Free, Appropriate Public Education

L.D. 685 An Act To Amend the Laws Governing the Maine School for Marine Science, Technology, Transportation and Engineering

L.D. 1029 An Act To Expand Educational Opportunities for Students Attending Public Secondary Schools with Enrollments of 300 or Fewer Students

L.D. 1064 An Act To Address Maine's Firefighter Shortage by Offering Firefighter Training for Credit in High School Career and Technical Education Programs

L.D. 1331 An Act To Amend the Student Information Privacy Act

L.D. 1618 An Act To Authorize Career and Technical Education Regions To Enter into Energy Conservation Performance Contracts for School Facilities

Energy, Utilities and Technology

L.D. 1622 An Act To Promote the Use of Wood Pellet Central Heating Systems

Sincerely,
S/Robert B. Hunt
Clerk of House

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, Authorizing the Department of Agriculture, Conservation and Forestry To Convey Certain Land in the Little Moose Unit of Moosehead Junction Township (H.P. 1280) (L.D. 1799)

Sponsored by Representative STEARNS of Guilford.

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 Modernize the E-9-1-1 Laws To Include Text Messaging and Other Methods of Contacting E-9-1-1" (H.P. 1281) (L.D. 1800)

Sponsored by Representative BERRY of Bowdoinham.

Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

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

Sent for concurrence.

Bill "An Act To Make Minor Changes and Corrections to Statutes Administered by or Concerning the Department of Environmental Protection"

(H.P. 1283) (L.D. 1802)

Sponsored by Representative CAMPBELL of Orrington.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

Bill "An Act To Ensure Compliance with Federal Requirements for Background Checks of Certain Department of Health and Human Services Employees"

(H.P. 1282) (L.D. 1801)

Sponsored by Representative HYMANSON of York.

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Bill "An Act To Update the Laws Regarding Death and Marriage Records"

(H.P. 1284) (L.D. 1803)

Sponsored by Representative HYMANSON of York.

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

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 Amend the Maine Tax Laws"

(H.P. 1279) (L.D. 1798)

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.

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

ORDERS

On motion of Representative WARREN of Hallowell, the following Joint Order: (H.P. 1277)

ORDERED, the Senate concurring, that the Joint Standing Committee on Criminal Justice and Public Safety shall conduct a study of funding of Maine's county jails and the regional jail. In conducting the study the committee shall invite the participation of interested parties, including but not limited to representatives of the Maine County Commissioners' Association, the Maine Chiefs of Police Association, the Maine Sheriffs' Association, the Maine Municipal Association, NAMI Maine, the Department of Corrections and the Judicial Branch. The committee shall review sources and amounts of funding for the county jails and the regional jail and categories and amounts of expenses. The committee may request financial information from the counties through the county sheriffs and from the Department of Corrections and the Department of Administrative and Financial Services. The committee shall provide a report with recommendations to stabilize jail funding to the Second Regular Session of the 129th Legislature and may concurrently report out legislation related to that report.

READ and PASSED.

Sent for concurrence.

On motion of Representative WARREN of Hallowell, the following Joint Order: (H.P. 1278)

ORDERED, the Senate concurring, that the Joint Standing Committee on Criminal Justice and Public Safety shall report out, to the House, a bill regarding prostitution.

READ and PASSED.

Sent for concurrence.

On motion of Representative FARNSWORTH of Portland, the following House Order: (H.O. 29)

ORDERED, that Representative Richard M. Cebra of Naples be excused May 23 for health reasons.

AND BE IT FURTHER ORDERED, that Representative John DeVeau of Caribou be excused May 21 and 23 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Josanne C. Dolloff of Rumford be excused May 28 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Victoria Foley of Biddeford be excused May 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sean C. Paulhus of Bath be excused May 28 and 29 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gregory Lewis Swallow of Houlton be excused May 16 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

David Stackpole, of Trenton, a teacher at Ellsworth Elementary-Middle School, who is retiring after 45 years of service teaching sixth grade at the school and 32 years coaching girls junior varsity basketball. We extend our congratulations and best wishes;

(HLS 447)

Presented by Representative GROHOSKI of Ellsworth.

Cosponsored by Senator LUCHINI of Hancock.

On **OBJECTION** of Representative GROHOSKI of Ellsworth, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-151)** on Bill "An Act To Update the Family Planning Statutes"

(S.P. 159) (L.D. 494)

Signed:
Senators:

GRATWICK of Penobscot
CLAXTON of Androscoggin
MOORE of Washington

Representatives:

HYMANSON of York
CRAVEN of Lewiston
MADIGAN of Waterville
MEYER of Eliot
PERRY of Calais
STOVER of Boothbay
TALBOT ROSS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-152)** on same Bill.

Signed:

Representatives:

GRIFFIN of Levant
JAVNER of Chester
O'CONNOR of Berwick

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-151)**.

READ.

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

Representative STEWART of Presque Isle **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 Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in objection to this motion.

I do object to the changing the language from physician to healthcare practitioner. I also disagree with Section 4 of this bill which is minors whereby I believe that the way that this is written is another usurpation of parental rights. 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. 153

YEA - Ackley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, 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, Warren, Zeigler, Madam Speaker.

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

ABSENT - Caiazzo, Griffin, Grignon, Hanley, Paulhus, Theriault.

Yes, 85; No, 57; Absent, 6; Excused, 2.

85 having voted in the affirmative and 57 voted in the negative, with 6 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-151)** 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-151)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-143)** on Resolve, To Stabilize the Behavioral Health Workforce and Avert More Expensive Treatments (EMERGENCY)

(S.P. 180) (L.D. 593)

Signed:

Senators:

GRATWICK of Penobscot
CLAXTON of Androscoggin

Representatives:

HYMANSON of York
CRAVEN of Lewiston
MADIGAN of Waterville
MEYER of Eliot
PERRY of Calais
STOVER of Boothbay
TALBOT ROSS of Portland

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

Signed:

Senator:

MOORE of Washington

Representatives:

GRIFFIN of Levant
JAVNER of Chester
O'CONNOR of Berwick

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-143) AS AMENDED BY SENATE AMENDMENT "A" (S-161)** thereto.

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-143)** was **READ** by the Clerk.

Senate Amendment "A" (S-161) to **Committee Amendment "A" (S-143)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-143) as Amended by Senate Amendment "A" (S-161) 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" (S-143) as Amended by Senate Amendment "A" (S-161)** thereto in concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-157)** on Resolve, To Establish the Committee To Study the Feasibility of Creating Basic Income Security

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

Signed:

Senators:

BELLOWS of Kennebec
LAWRENCE of York

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-157)**.

READ.

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

Representative BRADSTREET of Vassalboro **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 Vassalboro, Representative Bradstreet.

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

This bill is essentially about what's going to happen with artificial intelligence and its effects on our lives. We recognize that the evolving ramifications of artificial intelligence and the challenges it poses for not just Maine, but the entire country and indeed in the whole world. Whatever this committee may come up with in all likelihood will have minimal real practical impact on what our lives will look like in the future years. So, what does the bill hope to do? The very terminology within the bill strongly hints at a preordained outcome; the transfer of hardworking Mainers' income into an enormous permanent welfare system. That's the message that will come out of such a --

The **SPEAKER**: The Representative will defer, and my apologies. It's quite loud in here and the Chair will remind Members to please take your conversations outside of the chamber and the same for people in the gallery or the back of the chamber and pages. The Representative may proceed.

Representative **BRADSTREET**: Thank you, Madam Speaker. It's refreshing to know that I was not out of order.

That's the message that will come out of such a study; you taxpayers dig a little deeper, we really need your money. What other message does it send? What it says is that we are all convinced that we will have a permanently embedded underclass. It will undermine and disincentivize any efforts at improving one's position in life to get a better education, to innovate, and to strive for better opportunities for them and their families. It will work to condemn them to a permanent underclass, with little hope for a better life. How sad is that?

This bill does help draw a clear distinction between how some of us view our culture. On the one hand are those who see our security in a permanent need of remediation with all answers being within the purview of a large and overreaching government bureaucracy; just chill out, we'll take care of you. On the other hand, there are those of us who believe there's no problem we cannot overcome if we just allow the American people to do what they do best, innovate and overcome. People will create the solutions, as they always have done. My concern with the outcome of this committee is that it will inevitably come up with a government source and regulative program that will do no long-term good but will unfortunately include the imprimatur of a government study.

I did hear one bit of good news lately; the Chief Executive has commissioned an effort to chart a long-term economic plan for the State of Maine. It is my hope that this committee will examine real issues that are foundational to a healthy economy. I wish them well. My unsolicited advice to the Chief Executive is this; please don't let this committee have any -- come anywhere near your committee. Please show commonsense and vote no on this motion. Thank you, Madam Speaker.

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

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

We were all treated, if you had the time, Madam Speaker, to go down and see some of the robotic exhibits that were on display in the Hall of Flags yesterday, and this is exactly the kind of thing that we are thinking about, those of us who are in support of this study.

When we talk about the need to study the possibility of a universal basic income, we could very well be looking at a new industrial revolution coming right down the pike at us. The job

that I do as an electrician is one that, there are parts of which that could be automated in the near future. This Resolve is not going to create a system, it is not going to create a bureaucracy, it's going to study the possibility of one. It's going to study what is out there currently and what works and what doesn't work. It's going to prepare the State of Maine so that if we hit a place where we need to be thinking about this, we actually have some good information to act upon instead of just reacting suddenly. This is a good proactive piece of legislation that will help us to study what we need to do in the future and that could, no matter what -- some of you think that it has a preordained outcome, it could have an outcome of either supporting or indeed condemning the idea of a universal basic income.

So, I hope the folks will support the motion. I hope that we will support gathering good information for what could very well be a difficult time coming. Thank you, Madam Speaker.

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

Representative STEWART: Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. You know, I certainly can empathize with the Good Representative from Winterport on the need to look at this issue and see what, you know, sort of possibilities might come out of this. And what I would suggest to Members in this body who are considering voting in favor of this, it's completely unnecessary because there already has been a study. In fact, just a few months ago, the Wall Street Journal came out with an analysis of exactly what happened when Finland adopted a universal basic income. And the study there found that while overall stress in the country did go down a little bit, it did not, in fact, create any jobs, help grow the economy, and it was simply just a redistribution of wealth and nothing more than that.

So, with that in mind, I think, and I think my colleagues would agree, that this study is completely unnecessary because it's repetitive. We've already done it, we know what the answer is going to be, and it's completely unnecessary and a waste of Maine taxpayer dollars. So, with that, I would request that the folks in this body follow my light. Thank you very much, Madam Speaker.

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

Representative COOPER: Thank you, Madam Speaker. I rise because I was recently at an event which described a form of a guaranteed basic income. It was not one that applied to all citizens of the state, it was for low income people in a small group who were receiving other forms of subsidization like SNAP and subsidized housing. And the developers of this project asked the women, they were all mothers, how much do you need in order to relieve the stress of having to deal with basic necessities and any attempt to get ahead. And they came back with a proposal that they get an additional \$1,000 a month for one year and they only wanted it to be for one year because they didn't want to become dependent on it and they didn't want it to look and feel like welfare.

So, for \$12,000 a year, each of these ten or twelve women have embarked on a new life and the results of this experiment are astonishing. Many have gone on to community colleges, they are living a more fruitful and productive life and serving their communities and their families considerably. So this is a direction that we might take. The study is not confined to giving guaranteed income to all citizens, we can look at variations. So, I ask you to keep your mind open and think about this example and perhaps give your support. Thank you.

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

Representative SYLVESTER: Thank you, Madam Speaker. I just wanted to speak very briefly on this, just to clarify a few things. First of all, the idea of income security in this country, the idea upon which universal basic income is based already exists in this country. It exists in things like Social Security and welfare and TANF and vouchers and the unemployment insurance. The idea, and this is one that I understand that not everyone agrees with, Madam Speaker, the idea that this country provides for basic needs is a part of what it does as a government. Now, just to explain how this works, it means that it's unconditional. In other words, that all citizens should receive the same thing. It's automatic, you don't have to have any sort of, you know, special test to receive it. It's non-withdrawable, which means that it's not generally means tested. It's individual, which means that it belongs to each citizen. And that it's a right. And as others have spoken, the idea of this committee is not to develop such a system, the idea is to look at what other places in the world have done. Whether, you know, the Wall Street Journal has done an article about it or not, but to look at other systems of government and other systems of income development and other systems of preparing for workforce development in the future and to see what we can glean out of that study that would make Maine a leader rather than a follower. And that's the idea of this study and that's what we're hoping will come out of it, and so I would ask that you support the Ought to Pass as Amended Report. Thank you, Madam Speaker.

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

Representative KESCHL: Yes, thank you, Madam Speaker, Ladies and Gentlemen of the House. You know, I'm confused. On one hand, I have a gentleman, I have a fellow Representative tell me that this is a study, purely a study in case robotics takes over the workforce and we need to provide income. On the other hand, another Representative stands up and says yeah, but this is what we need to do, this study should tell us how we should go about doing it because we need to do it, Maine needs to lead this issue. So I'm confused and if someone could help create a less confusing understanding for me, I'd appreciate it.

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. 154

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

NAY - Andrews, Arata, Austin S, Babbidge, Bickford, Blier, Bradstreet, Campbell, Cebra, Cloutier, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Doudera, Drinkwater, Faulkingham, Fay, Fecteau J, Foster, Haggan, Hall, Hanington, Harrington, Head, Higgins, Hutchins, Javner,

Johansen, Keschl, Kinney, Kryzak, Landry, Lockman, Lyford, Marean, Martin T, Mason, Mastraccio, Maxmin, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Tuell, Wadsworth, White D, Madam Speaker.

ABSENT - Caiazzo, Griffin, Grignon, Hanley, Paulhus, Riley, Rykerson, Theriault, Tucker.

Yes, 77; No, 62; Absent, 9; Excused, 2.

77 having voted in the affirmative and 62 voted in the negative, with 9 being absent and 2 excused, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-157)** 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" (S-157)** in concurrence.

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

**ENACTORS
Emergency Measure**

An Act To Allow the City of Augusta To Adjust the Definition of "Original Assessed Value" for the City of Augusta's Performance Food Group Municipal Tax Increment Financing District and To Validate the Assessment, Commitment and Collection of Property Taxes Dedicated for the District for the Fiscal Years 2018-19 and 2019-20

(S.P. 504) (L.D. 1585)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 8 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Protect the Privacy of Online Customer Information

(S.P. 275) (L.D. 946)
(H. "B" H-387)

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

Representative STEWART of Presque Isle, moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-387)**.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I understand that there is the desire to bring forth a new amendment. It's my understanding that that amendment conflicts with the one that we've already adopted, which has important protections for domestic violence and delayed implementation on this bill, which I think we all want to see this implemented properly over a good timeline. Therefore, I will oppose the reconsideration motion and I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-387)**.

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 Presque Isle, Representative Stewart.

Representative **STEWART**: Thank you very much, Madam Speaker. I appreciate the sentiments from the Representative from Portland in regards to the previous amendment. To be clear, we are not purporting to eliminate those amendments, we just have some other additional concerns with the bill that we were hoping to address in a reconsideration, which is why we brought that motion forward this morning. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Reconsideration whereby the Bill was Passed to be Engrossed as Amended by House Amendment "B" (H-387). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 155

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

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

ABSENT - Cardone, Griffin, Grignon, Hanley, Paulhus, Theriault.

Yes, 50; No, 92; Absent, 6; Excused, 2.

50 having voted in the affirmative and 92 voted in the negative, with 6 being absent and 2 excused, and accordingly the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "B" (H-387) FAILED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-158)** on Bill "An Act To Authorize Project Labor Agreements for Public Works Projects" (S.P. 499) (L.D. 1564)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray
BRADSTREET of Vassalboro
MORRIS of Turner

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-158)**.

READ.

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

Representative BRADSTREET of Vassalboro **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 Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker, Members of the House. Peter Mills, the Commissioner of the Maine Turnpike Authority, has stated that this bill is not necessary. Nothing in law prevents this from happening now. There's no sense in putting language on the books that has no substance to Maine law.

My statement; if patches of this bill will later create a greater opportunity to mandate project labor agreements, this will not be good for the State of Maine because they will become more costly. We all know about projects that are in process or in the planning stages now that have been reduced or canceled altogether due to a much higher cost than expected. This bill can make the situation much worse. I encourage a no vote on this bill. Thank you, Madam Speaker.

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

Representative **CUDDY**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I rise to support the **Ought to Pass as Amended** motion.

Madam Speaker, this bill allows for public agencies to require a project labor agreement. In short, this is an agreement voluntarily entered into by the customers and labor

organizations and these agreements are used by both public and private entities. Both Toyota and Walmart have done construction projects using negotiated PLAs.

It should be noted that this bill does not require that anyone use a PLA, it only allows public agencies to use them if certain milestones regarding the interest of the public are met. One of those milestones taken directly from the bill is that the efficiency, cost, and direct and indirect economic benefits to the public authority are taken into account. So cost is taken into account. And another thing that comes directly from the bill that is very important, I think, is that the agreement must include guarantees against a strike, lockout, or other concerted action aimed at slowing or stopping the progress of the public works project. So a PLA that was put together under this bill would provide protections for everyone, knowing that the work would not be slowed by any labor actions. This kind of thing is incredibly important in the construction process.

Finally, some people may say that only union contractors can bid on a project that has a PLA attached to it but this bill specifically says that it would provide for the invitation of all contractors to bid on the public works project without regard to whether the employees of any such contractor are members of a labor organization. Everyone would be able to bid, the workers would receive greater protections, indeed the customer would receive greater protections, and because it would be entered into statute, it would not be something that was left to the whim of administration to administration. If any agency found it was in their and the public's interest to enter into a PLA, they could continue to do so and would not be denied the right to do so just by a new administration. Thank you very much, Madam Speaker. I hope people will support the **Ought to Pass as Amended** Report.

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. 156

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, Harnett, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, 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, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Haggan, Hall, Hanington, Harrington, Head, Higgins, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Tuell, Wadsworth, White D.

ABSENT - DeVeau, Griffin, Grignon, Hanley, Paulhus, Theriault.

Yes, 89; No, 53; Absent, 6; Excused, 2.

89 having voted in the affirmative and 53 voted in the negative, with 6 being absent and 2 excused, and accordingly

the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-158)** 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-158)** in concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-378)** on Bill "An Act To Eliminate Single-use Plastic Carry-out Bags" (H.P. 1115) (L.D. 1532)

Signed:

Senators:

CARSON of Cumberland
CHENETTE of York

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 to Pass as Amended by Committee Amendment "B" (H-379)** 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 Presque Isle, Representative Stewart.

Representative STEWART: Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. It's my understanding that Committee Amendment "A" does a number of different things and a couple of which we have some issues with on our side. One of which is the fact that it mandates that in order for a plastic bag to qualify as reusable, it has to meet a certain standard, which is categorized as 4 mils. And for those folks that are privy to all the background of the science and thickness behind plastic bags, it is a pretty significant standard. It's also one that's incredibly hard to purchase in the United States because it's not manufactured in the United States. So

the sort of more reasonable approach is something that we think on our side would be a lower amount in terms of the mils.

And the other complicated piece behind this bill is that while it might be good-intentioned in order to help prevent some of these plastic bags, sort of Walmart bags, if you will, the common ones you'd find when you're shopping at a grocery or produce store, there's a component in the bill or in this report, that says that the retailers would be able to collect a 5-cent charge for every one of those bags, essentially creating another stream of income for those folks. And that's fine and good, except for the fact that's not going to do anything to help prevent some of these bags that are already flying around in our environment, getting stuck in trees, nuisance bags, if you will.

So, with that, I would request that my colleagues follow my light and oppose this motion because, while good-intended, or well-intended, there are still some issues that I think should be worked out in the legislation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Stover.

Representative STOVER: Thank you, Madam Speaker and people of the House. I rise before you today and urge you to vote Ought to Pass on LD 1532.

We have a climate change crisis on our hands and Maine needs to be a leader in addressing this pressing issue. This bill also brings uniformity across the state in addressing the use of single-use plastic bags. This bill would take a big step forward in helping us to achieve that.

It is estimated that 60-95% of ocean debris is made of plastic. When plastic enters a body of water, it is carried all over the world by streams, rivers, and ocean currents, with plastic bags being the fourth most commonly littered plastic item in the United States and Maine and Maine being a coastal state, we are significant contributors to this global problem.

I am blessed to live on the beautiful coast of Maine, and see the devastating presence of plastic, particularly plastic bags and other plastic trash every day. Last evening in my district, the Southport Central School had their spring concert. The concert was named The Earth: Celebration, Connection, and Responsibility. Since it was fresh on their minds and I was preparing to speak to this body today, I consulted with my best advisors; my 11-year-old niece, Ella, my 7-year-old niece, Kayla, and her 7-year-old best friend, Jessie. I asked them about their thoughts about removing plastic and plastic bags from our environment. My niece, Ella, asked me to tell you that we need to remove plastics from the ocean because small pieces are being eaten by our seafood and then we eat it. She wants you to know that it is not good for the land because animals can get caught in it and it can cause cancer in adults. When asked about plastic, my 7-year-old niece, Kayla, said it's bad for the ocean and land because it kills animals if they eat it. She said it's bad for people because bags are not recycled. And her best friend, Jessie, also 7, said she wants a future where we can go to the beach and not see pieces of plastic everywhere.

So, please listen to these children and their wisdom. I want, and I am sure you want, to make a better place in Maine for our children and their children. Please vote Ought to Pass today for a better Maine now and into the future. Thank you.

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

Representative KESCHL: Thank you, Madam Speaker. You know, I look at this and I understand the problem, but a ban with an exemption is not a ban. And the other thing that I would say is that, given that, plastic doesn't get to the side of

the road or in the ocean on its own. So what is this bill going to do to prevent the very people who are putting it there from putting it there?

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

Representative **McCREA**: Thank you, Madam Speaker, Women and Men of the House. In my lifetime, which admittedly stretches over more decades than I'd like to think about, we have made considerable progress when it comes to cleaning up and protecting our environment. No longer do we see trash thrown all along our roadways as we used to or burn barrels over in the corner of driveways or open dumps on the corner of farms or pesticides containers thrown near farm spray holes or community burning dumps. Old cars, appliances, televisions, used tires and broken furniture are no longer as normal as commonly found along back roads. These things have, for the most part, become issues of the past and that is a very good thing. But - but we must continue the battle; a battle that perhaps should never end.

I'd like to take a moment to mention just a few statistics to emphasize the magnitude of the plastics problem. First off, being a numbers guy, I'd like to have us consider how big a number a million is. For example, if you were to tap your pencil once every second for 24 hours a day, aside from irritating everyone within earshot, you would reach one million after 12 days. World-wide, we use 1 trillion single-use plastic bags per year. That's a million millions. In the U.S. we consume about 100 billion of these bags per year, which take about 1 million barrels of oil to produce. The average American family uses 1500 plastic bags per year and only 1% of these are recycled. And the last statistics that I'd like to leave you to think about is that it takes about 500 years, it might be off, maybe it's only 400 years, for a single-use plastic bag to decompose in a landfill.

I would like to make a comment or a correction on the 5-cent payment for the plastic bags. That's not for the plastic bags, that would be for the paper bags that the grocer or the supplier gives us.

Maine has 488 towns and cities and plantations. A little over 20, I think it's 22 at this point, Maine towns and cities have already enacted ordinances that either ban or limit the use of single-use plastic bags and I won't enumerate them at this point. Most, if not all of these communities have ordinances that are somewhat unique to themselves, creating problems of inconsistency. This is where LD 1532 comes in. LD 1532 will not only advance the ban of single-use plastic bags statewide, it will create a single uniform program across the state, making it much easier for retailers to be in compliance.

A couple of very quick personal stories. The morning of the hearing in the committee, I was getting ready to come here and as I grabbed my presentation, I looked in my waste basket and I had thrown a rather heavy-duty plastic cup in the trash and I thought wait a minute, you're going to testify on banning some plastic yet here you are throwing it. So I did the right thing, I went over, picked it up, rinsed it out, used it the next day. It's a part of education. I think this plastic bag thing isn't the answer but it does make old dogs like myself become a little more educated as to what we're doing with some of these plastics and other things that really don't need to be in the landfills, okay?

A few weeks ago, I met with fifth and sixth graders up in Limestone, in my district, to discuss their project regarding the banning of single-use plastic bags. These students and kids like my 7-year-old grandson, Will, deserve nothing less from we, the adults in the room, than our best efforts to protect the

world that they are so busily inheriting. I strongly urge support of this momentous bill. I thank you, Madam Speaker.

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

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'd like to pose a question through the Chair.

The SPEAKER: The Representative may proceed.

Representative **SAMPSON**: So since we're considering banning super-duper pooper scoopers, what are people to do when they walk their dogs?

The SPEAKER: The Representative from Alfred has posed a question if there is anyone who wishes to answer.

The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Madam Speaker and colleagues. York has had a ban on single-use bags for about four years now so I consider this experience that I've gone through to be a maturing one. And I will tell you that it's all gone really well and I'll tell you some stories about it.

Number one, I've learned to take the bags into the store. After the vote, we all complained that we left our bags in the car and we'd have to come back and get them, but everyone seems to have gotten over that hump and we take our bags into the store. I've learned that many products that I buy come in plastic bags and, like bread comes with a plastic bag wrapped around it and that, to answer the question, has become what I use to pooper-scoop my dog. There are lots of tourists in Maine, and I come and when I stand behind them, and I listen to the chatter that goes on, they are really appreciative of the fact that -- they raise their eyebrows and say wow, that's great. So, it's a good experience, I've found, for the tourists I've heard to come and learn that we've taken this step. The effort was led by students and they are now really fierce and we will probably see some of them here in the Maine Legislature over time because they are now primed to be good leaders in the community.

The SPEAKER: The Representative will defer. Just a reminder to Members in the chamber, to please take your conversations outside. And there are a number of Members in queue, so if you have conversations that need to be had, this is a good time to do that. The Representative may proceed.

Representative **HYMANSON**: Thank you, Madam Speaker. I'll also say that I cleaned up on Mount Agamenticus, our own little mountain, and I picked up a bag, a single-use bag that was deteriorating underneath my fingers and I was aware that these microplastic pieces fell down onto the mountain and were being taken into the ocean. So, that's been my experience in York that has had a ban on these plastic bags for the last four years. Thank you.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. So, I did a little digging on this and I saw that cotton bags, you need to use them thousands of times so that they have a less carbon footprint than plastic bags and paper bags you have to use -- they use -- to make them use a lot of natural resources which are precious to us. And for one paper bag to equal a plastic bag, you would have to use that paper bag 50 times. Now, I know our mills do a good job and we make some good paper products here, but I've never seen a paper bag last 50 times. So I have a lot of concerns about that, and I also have concerns that if we don't have those wicked good pooper scoopers, like the Representative from Alfred said, that we

would probably have to use another product which I would estimate and I've actually seen that more plastic bags that are sold for more money will be purchased, and I can also imagine that there will be more products purchased through Glad and Hefty and all those places.

So this is probably another example of follow the money. I would love it if we could come up with a product that was biodegradable and easy to process with natural resources. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Hobbs.

Representative **HOBBS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this bill.

First of all, years ago I lived in Portland when this issue first came out. It was a learning experience for the citizens of Portland. A lot of grocery stores gave out free bags, they could advertise on them. You wouldn't be caught in a Hannaford store with a Shaw's bag, I can guarantee you. But, even now, in my town of Wells, the local IGA is already providing free bags to people. They advertise on one side Wells IGA, on the other side there's a real estate company that's advertising. As the Good Representative from Fort Fairfield said, this is an education experience; it takes a little time to get used to. I do agree with them on that.

Paper bags would be charged at 5 cents but this is a temporary thing. Paper bags are for when you get in there and you've forgotten to bring in your new reusable bags.

I encourage everybody to support this bill. It's very important. We have to tackle the plastic issue now. This is not something that we can put off much longer. Thank you.

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

Representative **JOHANSEN**: Thank you, Madam Speaker. I rise in opposition to this bill and asking for support with Amendment B.

I don't like mandates. We haven't cleaned up our own house yet. The trash cans here, if it's got one piece of paper in it, the whole bag goes with one piece in it. The whole building is that way. We should be cleaning up our own house first.

Second, if Fort Fairfield or Saco or anybody else is having a problem with that, then they can do it in their community. In most of Aroostook, you won't find those bags anywhere. So I would like it so it would be a local thing. You could do it in Saco if you needed to or wanted to, and leave Monticello and rural Maine out. Thank you.

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

Representative **GROHOSKI**: Thank you, Madam Speaker and thank you to all my colleagues for listening and participating in this discussion. I have some information that I would like to provide and I think some have spoken to the problem of plastic pollution in general but to bring it home to Maine, I wanted to share some information from the Shaw Institute of Blue Hill. They found that our local waters have an average of 17 plastic fragments in every liter that they collect from Blue Hill and Penobscot Bays. So, think about just a Nalgene bottle with 17 pieces of plastic floating around that you might be about to drink; no, of course I know you're not drinking salt water, but you get the idea. They also found, and this is very disturbing to me and to our shellfish industry, our Maine oysters had 177 fragments per animal and mussels, both cultured and wild caught, had very similar levels. And I, personally, try not to eat plastic and it's very disturbing to me

that we are accidentally eating plastic anytime we're enjoying these creatures.

I also want to add that we are aware that plastic bags are not the largest source of all plastic pollution in the aquatic environment, but they are very significant. They rank fifth for trash items collected on international coastal cleanup day and they are the second deadliest ocean trash.

Beyond the problem of plastic in our environment, I want to emphasize that this bill is the result of stakeholders coming together to determine what could work well for the Maine retailers, our grocers, and our environmental community. The co-sponsors of this bill, we worked with the Retail Association of Maine, the Maine Grocers and Food Producers Association, and the Environmental Priorities Coalition to come to a compromise. This final bill as is in front of you to support today and all of its details including the thickness of the reusable bags allowed, which are available and are what you are buying when you buy a reusable bag at the Hannaford or Shaw's, those are 4 mils thick or greater, and they are available. So the thickness, the 5-cent fee for grocers and large retailers, they are seeking to recoup their costs and the exemptions for things like produce bags, bags for prescription medications, bags to separate caustic products, etcetera, that you will read if you read the bill, those are things that are supported by the Retail Association of Maine, the Maine Grocers and Food Producers Association, and the Environmental Priorities Coalition.

I want to say and give great thanks to those groups for coming together and especially the Retail Association of Maine which before we started drafting this bill surveyed its members in which they found out 64.7% of their members prefer a ban or a fee on plastic bags to doing nothing at all. This is because, as you can see if you, Madam Speaker, received this on your desk -- I'm sorry, my apologies. People may have received things; am I allowed to say that? I don't know. I direct your attention to what you may have received on your desk, and I will note that there are 24 Maine towns that already have restrictions about plastic bags, there are more Maine towns considering it, and our retailers and grocers who provide services in multiple communities are struggling to understand and comply with this patchwork of ordinances. They are also looking for competitive stability between towns. This is why the retailers and grocers support this legislation. They are looking for uniformity.

I'd also like to comment on local control and I absolutely agree with the concept of local control but in this case where communities are taking very different approaches to the plastic problem and our businesses are struggling with this, I think that it is the job of the state to help them by simplifying the rules and leveling the playing field, as I've stated.

So, in conclusion, I just think this is very reasonable legislation in which we took many details in account and worked with the stakeholders to provide positive environmental incomes and support Maine businesses. Businesses here in Maine understand that a clean environment is part of our Maine brand. Mainers understand that plastic pollution is a serious threat and so I commend everyone for coming together to solve this problem. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Sheats.

Representative **SHEATS**: Thank you, Madam Speaker. I'd like to answer the question from my colleague from Alfred. I have two dogs that I have to clean up with frequently. I use bread wrappers, I use my newspaper sleeves, I use magazine covers, I use bags from my husband's mailed-in prescription

things that come in nice big bags. I also reuse sandwich bags and grocery bags that we generate in our own home as a way to recycle some of the plastics that we get. I also wanted to point out that if they run out, I would be able to use the plastic bags that would come from mom and pop shops that would not be affected by this ban, and I choose to support small local businesses, so I'm sure I will have plenty of bags. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Madam Speaker. I just want to say that I'm supporting this bill in honor of Ian, Jaylin, Emmett, and Jenna, students at the Williams-Cone School in Topsham who took the time to write to me about this issue. Thank you.

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

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. This is an environmental bill. It's about plastic. It's an environmental bill about a small piece of plastic. It's an environmental bill about a piece of plastic that when I was here the first time, we encouraged people to go towards because we didn't like cutting trees. So we went from paper to plastic. They call them single-use bags. If anybody were to look at the bag, each one of those bags at the bottom says it's created from 80% recycled material. And I don't know about you, but I have a sleeve on my doorknob that's overflowing with those plastic bags and those plastic bags do get reused. And I don't even have a dog.

This bill should be more about compassion. We are eliminating something that generally is at the carousel at the end of a checkout. I don't know about you, but I've been at the checkout when the person in front of me says I have to put that food back, I don't have that money. Now we're going to charge those people 5 cents to get away from plastic and encourage paper so then we can use the reusable.

This is not a good environmental bill, because there's a term that's used around here, it's carbon footprint. It is the least -- it's the least of the carbon footprint in all the package containers. Paper has more of a carbon footprint, reusables have even more of a carbon footprint. Not only does paper have more of a carbon footprint to manufacture, but the transportation is more. Pulp and paper, yeah, we've lost our manufacturing in paper, but as we were losing it, they were going to high-quality paper, not paper bags, we're not going back to that in this state. This is about compassion. These towns, 21 -- 24 of them --

The SPEAKER: The Representative will defer. The Chair will remind the Representative to please direct your comments to the rostrum.

The Chair reminded Representative CAMPBELL of Orrington to address his comments toward the Speaker.

The SPEAKER: The Representative may continue.

Representative **CAMPBELL**: I apologize to the body. Twenty-one to twenty-four of them, they're mounting, but they're all coastal or affluent communities. What about the smaller communities who are going to be forced to go to 5 cents per bag or bring their reusables. Good theory.

The problem we have here is not a problem of plastic; it's a problem of littering. It's a cultural problem. Yeah, let's ban a plastic bag, a small amount of plastic that -- sorry -- a small amount of plastic that appears in our oceans and we just heard about the thousands and thousands and million and millions of millions of bags that show up in our ocean. Well, it's not from Maine plastic bags. This is a major problem to those who can

least afford it. Now, wouldn't it be nice if we did leave this to local control? Rather than the arrogance of policymakers to tell every town in this state, and I think we have somewhere close to 500, because 24 of the most affluent have decided that we're going to ban something that works, ban something that's --

The SPEAKER: The Representative will defer. The Representative is really skating the edges of questioning the integrity and the motives of other Members in this body.

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

The SPEAKER: The Representative may continue.

Representative **CAMPBELL**: This is a product that is reused. Wouldn't it be nice if we gave it to local control? Wouldn't it be nice if we allowed these municipalities, these communities, to decide whether or not they wanted to ban it? Yes, the others have; yes, they have been inconsistent. But for the State of Maine to ban something that's worked, something that we moved away to because we didn't like paper, let's work on allowing at least, if this becomes law, the local municipalities opt in. Thank you, Madam Speaker.

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

Representative **FECTEAU**: Thank you, Madam Speaker. Plant-based bioplastics have a unique advantage over conventional plastics because they sequester carbon dioxide during their growth. I use bioplastics in my small business because of the free market and my customers demand it. So, with that, may I pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **FECTEAU**: Thank you. Are bioplastics to be treated any differently under this bill?

The SPEAKER: The Representative from Augusta has posed a question if there is anyone who is able to answer.

The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'll try to direct my attention to the front.

One of the issues that has come up today, I don't think has been mentioned, is the issue of sanitation. Reusable bags aren't necessarily sanitary. Reusing bags in the warmer months in summer could lead to an increase in bacteria. If we're using them in the grocery store, this is even more problematic, a real big concern. The bacteria can spread not only to food but also shopping carts and places like that. Studies have shown that 97% of the people who reuse bags aren't aware that they should wash and sanitize them. When meat and produce are stored in the trunk in reusable bags, the risk of bacteria growth is even higher because of the warmer temperatures. Half of the bags used in one study included random reusable bags from customers in Los Angeles, Tucson, and San Francisco, they were contaminated with coliform bacteria including e. coli, bacteria, yeast, and mold. States show a food poisoning risk from bacteria, mold, yeast, and coliform, but also says, that the studies show that additional health risks like bacterial skin infections, allergic reactions, triggering of asthma attacks, and even ear infections occur. In one study, 64% of the reusable bags contained bacteria. Think about that; almost two out of three contained bacteria, 30% had higher bacteria counts that was considered unsafe for drinking and 40% of those bags had yeast and mold. The use of these bags for things other than transporting groceries, they get used as diaper bags, bags for dirty gym

clothes, for example, and then to reuse those the increase of the exposure to MRSA, 50% of the people in the study were using these bags for multiple purposes including putting their groceries in them.

Single-use bags, by contrast, had no remarkable issues with yeast, mold, or bacteria. They were the most sanitary option available, along with the very first use of reusable bags. According to the University of Arizona, single-use and brand-new reusable bags were not contaminated at all.

Even when people switch to reusable bags, studies show that these bags aren't reused enough to make up for the extra resources and the carbon footprint, which has been mentioned here by others. In many cases, they're treated like single-use bags. The reusable bags aren't usually able to be recycled, either, and can cause problems with equipment when they make their way into recycling centers for disposal, eventual disposal.

In closing, Madam Speaker, I'd just like to say that banning plastic bags in lieu of cotton or paper could have a negative impact on the environment overall, not to mention the inconvenience of limiting reuse of those bags for everyday use like lining of trash cans, protecting your belongings, even cleaning up, as has been mentioned here, after your dog. In addition, banning plastic bags could leave a significant number of people without jobs and cost individuals, communities, and government's money, whether through the purchase of reusable bags or educational programs for the public.

Though it may sound like a positive change on the surface, banning plastic bags could actually be detrimental to the environment and the economy. Thank you, Madam Speaker.

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

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

We have had the benefit of time to learn from our actions and understand our actions, and while we transferred from using paper bags to plastic bags because we wanted to save trees and save our forests, we've learned the implications of our actions relative to the litter that we've seen with plastic over the years. It is incumbent on us to address these actions and to make changes that will positively impact our environment. If we continue on the trajectory that we have, as much fish as plastic will be in our oceans by the year 2050.

Our daily choices matter and our children are counting on us. With regard to canvas and cotton bags, I've yet to see the degree of litter relative to canvas and cotton bags on the roadways as I do with plastic bags, single-use plastic bags. In California, where this ban went into effect in 2016, there has been a reported net decrease of 28 million pounds of plastic, which is quite impressive. As I've said, our children are counting on us to be the leaders that we are and to do the right thing. I support this motion. Thank you, Madam Speaker.

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

Representative **HEPLER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. One of the things that I've learned so far in this session is that nothing is perfect and, you know, for instance, I am a big proponent of local control. But, to reiterate what the Representative from Ellsworth has said, this bill has the support of both the Natural Resources Council of Maine and the Retail Association of Maine, which is not something that happens frequently. Thank you.

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

Representative **MORALES**: Thank you, Madam Speaker. I rise to support this bill and, according to my daughter, Willa, she's 12, our family will be trying to be plastic-free by the end this year. We're doing everything we can to do that. And I just came down from the VLA room where there are over 30 young people who are here on criminal justice reform, and I asked them we're voting on a bill to ban single-use plastics and I said how do you all feel about it, and every single hand went up in the room.

So, on behalf of all of our young people, I think it's our responsibility to leave the earth in a better place than we started when we were first here and this is one step in that direction. 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. 157

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, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, 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, Drinkwater, Faulkingham, Fecteau J, Foster, Haggan, Hall, Hanington, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Tuell, Wadsworth, White D.

ABSENT - Griffin, Grignon, Hanley, Paulhus, Theriault.

Yes, 91; No, 52; Absent, 5; Excused, 2.

91 having voted in the affirmative and 52 voted in the negative, with 5 being absent and 2 excused, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-378)** was **READ** by the Clerk.

Representative STEWART of Presque Isle **PRESENTED House Amendment "A" (H-392) to Committee Amendment "A" (H-378)**, which was **READ** by the Clerk.

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

Representative **STEWART**: Thank you very much, Madam Speaker. As I mentioned a little bit earlier this morning, there are a couple of issues with the pending legislation.

This House Amendment does two things and I can explain those briefly. The first is that it changes the language in the bill from Section 2 in the bill, Paragraph G, and amends it to read 2.25 instead of 4 mils, and that's significant for a couple of reasons. The first is that, as mentioned earlier, you

can't actually purchase these 4 mil bags in the United States because they're not manufactured here. However, 2.25 mil bags are and they're also cheaper and have less plastic in them and if the goal is to reduce the amount of plastic that's actually getting into the environment, this would be a change that I would think would be pretty reasonable.

The other impact on that that I think is important to note here is that because it's less plastic, it's cheaper for the end user, and that's a big deal because it means that the folks who we are now putting this mandate on from the State, particularly low-income folks who may not be able to afford other types of reusable bags, now are going to have a cheaper option through this amendment.

The second component of the House Amendment is one that changes where the charge on the reusable bags at the storefront are going to be -- where that money is going to be going to. As it reads right now, and to correct a statement earlier, it is on both reusable paper and plastic bags, it is not just paper bags, it is also plastic bags. That language is in the bill that we just adopted in here. So this amendment changes that, so that that money is actually going to be going to an organization that could be determined through rulemaking after the fact by the department that would be charged with actually going out and cleaning up these sort of nuisance bags that we've all been discussing here this morning and you heard a myriad of stories about why those are a problem. So, to me, that's something that makes sense. It makes sense that you would actually have -- if the goal is to rid our environment, rid our water, rid our trees of these nuisance bags then why wouldn't we want to adopt an amendment to this bill that would actually be putting money from this charge on the consumers in these stores to actually go and do that.

And so that's essentially what this amendment does in a nutshell. I think it makes a heck of a lot of sense and I would request that my colleagues in the House follow my light. Thank you.

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

Representative **TUCKER**: Thank you, Madam Speaker. The amendment offered by the Representative from Presque Isle does not make minor changes. This amendment wipes out the very core of the negotiated compromises between and among the Retail Association of Maine, the Maine Grocers and Food Producers, and Environmental Advocates. These compromises were based on commonsense and presented to and adopted by the Environment and Natural Resources Committee. The legitimate concerns and horror stories raised in this debate were raised and answered during the committee process. Please vote against this House Amendment. Thank you.

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

Representative **STEWART**: Thank you very much, Madam Speaker. I rise to respond to the comments of the Good Representative from Brunswick. Certainly we could tell from the committee report that there was not a unanimous consensus as to what the language of this bill should actually look like and, in fact, there was significant disagreement over that, in large part related to this exact issue and one in which the amendment seeks to address.

Now, I would say, again, Madam Speaker, that it's fine if we want to put more money in the pockets of the folks of the Retail Association of Maine and then go ahead and do whatever they want to do with after the fact, and that's a choice that we're going to have to make here this morning. Totally

fine. However, if the goal is actually to rid our environment of these nuisance bags, why wouldn't we put the money towards doing that? To me, this doesn't make any sense at all and I know that there is some folks to get some buy-in and some support of these reports in committee, you know, some deals were made and as the Good Representative from Brunswick just alluded to, that's fine. But to me the deals that were made do not actually accomplish what this legislation and what we are purporting to do here today in this body actually seek to accomplish.

And so with that in mind, Madam Speaker, I would respectfully disagree with the Representative from Brunswick, and again would request that my colleagues follow my light on this issue. Thank you.

Representative **MOONEN** of Portland **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-392) to Committee Amendment "A" (H-378)**.

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 Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would pose a question through the Chair, if possible.

The SPEAKER: The Representative may proceed.

Representative **FOSTER**: Madam Speaker, I'm wondering in regards to what I just heard if it could be answered whether my constituents who are on TANF or other food assistance programs will be able to pay for these, the 5-cent fee for their bags through those funds.

The SPEAKER: The Representative from Dexter has posed a question if there is anyone who is able to answer. The Chair recognizes the Representative from Ellsworth, Representative Grohoski.

Representative **GROHOSKI**: Thank you, Madam Speaker. To answer the question of the Representative from Dexter, TANF funds are not allowed federally to be used for such a purchase and we have no ability to control that here in the State of Maine.

The SPEAKER: The pending question is Adoption of House Amendment "A."

The Chair recognizes the Representative from Boothbay, Representative Stover.

Representative **STOVER**: Thank you, Madam Speaker. I also want to speak to that and add that recipients of WIC, the WIC program, also are not charged the fee.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-392) to Committee Amendment "A" (H-378). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 158

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

NAY - 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, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrean, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, 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.

ABSENT - Campbell, Griffin, Grignon, Hanley, Paulhus, Perkins, Theriault.

Yes, 50; No, 91; Absent, 7; Excused, 2.

50 having voted in the affirmative and 91 voted in the negative, with 7 being absent and 2 excused, and accordingly **House Amendment "A" (H-392) to Committee Amendment "A" (H-378) was NOT ADOPTED.**

Subsequently, **Committee Amendment "A" (H-378) was ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-378)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Lower Maine's Individual Income Tax"

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

Signed:

Senators:

CHIPMAN of Cumberland
SANBORN, H. of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-384)** on same Bill.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BICKFORD of Auburn
KRYZAK of Acton
MAREAN of Hollis
STEWART of Presque Isle

READ.

Representative TIPPING of Orono moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, this bill, LD 1292, decreases the lowest income tax rate from 5.8% to 5.2% for tax years 2020 and 2021 and to 5% beginning in 2022. Now, bear in mind, Massachusetts' top income tax rate is 5.1%. Our lowest is higher than their highest. It decreases the middle tax rate from 6.75 to 6.3 for tax years 2020 and 2021 and to 6% beginning in 2022. It also decreases the highest rate from 7.15 to 7.05 in '20 and '21 and to 7% beginning in 2022.

Madam Speaker, because of tax strategies implemented in 2011, 70,000 low income earners in Maine don't pay any income tax at all. This has lowered poverty rates, it's increased take-home pay. Maine's economy is the strongest it's ever been because of pro-growth strategies like this one. Please follow my light and vote against this Ought Not to Pass motion on LD 1292. Thank you.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'll be brief because the Good Representative from Auburn said pretty much everything I wanted to say.

As many of you are aware, I have put in bills year after year to decrease the income tax because I honestly believe that people who earn the money know far better how to spend it than anyone in this body does, including myself. Also, I do recognize that this appears to have a significant fiscal note, however if a dynamic fiscal note was prepared for this, I think that we would see our coffers fill and people have more money in their pockets to see fit how they want to spend it. This is a miniscule tax cut and I know that as difficult as it is because taxes have been trying to be cut since the days of back to Mesopotamia, and I won't go that far back; I could, though. And I would just ask that you vote against this motion so we can put more money in the pockets of those who earn it. Thank you.

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

Representative **STETKIS**: Thank you, Madam Speaker. I stand in opposition to the current motion. I think this bill could be substantially more beneficial than just returning unnecessary taxes to those who earned it. If we consider the U.S. Census data between 2007 and 2016 where 22 of the 25 highest tax states lost nearly 5 million in population, while during that same period 20 of the 25 lowest tax states gained millions in population. Not only could this help address Maine's population death spiral, but we can also address a portion of our student debt crisis.

In March of 2017 in a Google consumer survey, they found that 30% of those who participated in the survey answered that they would move to a no or lower income tax state, in order to use those savings to pay down their loans. With Maine being in the top five most taxed states in all of America, reducing our income tax burden can certainly help on two of our largest economic development challenges; our student debt crisis and our population death spiral. I think we need to consider this bill a little bit more seriously and look at it from a few different directions. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Tipping.

Representative **TIPPING**: Thank you, Madam Speaker. Madam Speaker, People of the House, 50 years ago in this very room, a month later than now in 1969 was when

Republican leaders and Democratic leaders came together to actually discuss bringing in the first income tax. They were having trouble passing a budget and a Republican member of this body said on the Floor; I believe that an income tax is the fairest way of raising money. It is the least regressive to business, it hurts the people who can least afford to pay the least amount of money the least.

So, we have experimented in policies like this before. I would hesitate to agree with the Representative from Berwick who described a \$166 million fiscal note as miniscule, but the last time we took major cuts to the income tax we also saw major increases in the property tax because it was paid for by cuts to programs like the circuit breaker, revenue sharing, and failure to invest in our schools. What we would see if this bill passes is likely more increases in property taxes across the state, which I don't find acceptable. So I ask you to follow my light and support the pending motion. Thank you.

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

ROLL CALL NO. 159

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, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCreia, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, 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, Cebra, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Haggan, Hall, Hanington, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Tuell, Wadsworth, White D.

ABSENT - Campbell, DeVeau, Griffin, Grignon, Hanley, Paulhus, Theriault.

Yes, 90; No, 51; Absent, 7; Excused, 2.

90 having voted in the affirmative and 51 voted in the negative, with 7 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 **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-381)** on Bill "An Act To Provide a Sales Tax Exemption for Purchases Made by Nonprofit Seasonal Camps"

(H.P. 1156) (L.D. 1597)

Signed:
Senators:

CHIPMAN of Cumberland
POULIOT of Kennebec

SANBORN, H. of Cumberland

Representatives:

TIPPING of Orono
BICKFORD of Auburn
CLOUTIER of Lewiston
KRYZAK of Acton
MAREAN of Hollis
MATLACK of St. George
STANLEY of Medway
STEWART of Presque Isle
TERRY of Gorham

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

Signed:

Representative:

DENK of Kennebunk

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" (H-381)** 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-381)** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Modernize the National School Lunch Program and the School Breakfast Program

(S.P. 214) (L.D. 701)
(C. "A" S-139)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Allow Student License Holders in the Monhegan Lobster Conservation Area To Fish for or Take Lobsters during a Closed Season

(H.P. 711) (L.D. 956)
(C. "A" H-359)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Limit the Number of Charter Schools in Maine
(H.P. 231) (L.D. 307)
(C. "A" H-365)

An Act To Authorize Municipalities To Increase Notification Time Periods for Rent Increases and Terminations of Tenancies at Will
(H.P. 232) (L.D. 308)
(C. "A" H-357)

An Act To Expand Options for Consumers of Cable Television in Purchasing Individual Channels and Programs
(H.P. 606) (L.D. 832)

An Act To Create the Shellfish Research Fund
(H.P. 716) (L.D. 961)
(C. "A" H-376)

An Act To Improve the Health and Economic Security of Older Residents
(H.P. 810) (L.D. 1106)
(C. "A" H-355)

An Act To Protect Patients and the Prudent Layperson Standard
(H.P. 844) (L.D. 1155)
(C. "A" H-372)

An Act To Provide Career and Technical Training Options for Electricians
(H.P. 901) (L.D. 1240)
(H. "A" H-336 to C. "A" H-257)

An Act To Reduce Youth Cancer Risk
(H.P. 940) (L.D. 1297)
(C. "A" H-293)

An Act To Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable System Operators
(S.P. 426) (L.D. 1371)

An Act Regarding the Federal Workforce Innovation and Opportunity Act
(H.P. 1024) (L.D. 1411)
(C. "A" H-358)

An Act To Create a Contact Person Program in the Department of Public Safety
(H.P. 1087) (L.D. 1485)
(C. "A" H-373)

An Act To Create a Limited Fish Stocking Permit
(H.P. 1141) (L.D. 1579)
(C. "A" H-375)

An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Product Stewardship Program Framework Laws
(H.P. 1185) (L.D. 1649)
(C. "A" H-361)

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

Resolves

Resolve, Directing the Commissioner of Health and Human Services To Convene a Task Force To Study the Need for Long-term Acute Care Beds
(S.P. 117) (L.D. 439)
(C. "A" S-145)

Resolve, Regarding Reimbursement of Physical Medicine and Rehabilitation Codes under MaineCare
(S.P. 163) (L.D. 498)
(C. "A" S-144)

Resolve, To Conduct a Comprehensive Study of the Compensation System for State Employees
(S.P. 376) (L.D. 1214)
(C. "A" S-146)

Resolve, To Study Transmission Solutions To Enable Renewable Energy Investment in the State
(H.P. 1016) (L.D. 1401)
(C. "A" H-369)

Resolve, To Provide Support Services and Funds To Prevent Homelessness
(H.P. 1019) (L.D. 1404)
(C. "A" H-368)

Resolve, To Promote Quality and Transparency in the Provision of Services by Assisted Housing Programs That Provide Memory Care
(S.P. 485) (L.D. 1548)
(C. "A" S-142)

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

An Act To Require Education about the History of Genocide
(S.P. 310) (L.D. 1050)
(C. "A" S-147)

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

On motion of Representative TALBOT ROSS of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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

The following items were 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 yesterday, 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 (10) **Ought to Pass as Amended by Committee Amendment "A" (H-303)** - Minority (2) **Ought Not to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Directing the Department of Agriculture, Conservation and Forestry To Convey Certain Lands to Roosevelt Conference Center Doing Business as Eagle Lake Sporting Camps
(H.P. 107) (L.D. 125)

TABLED - May 21, 2019 (Till Later Today) by Representative HICKMAN of Winthrop.

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

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

Representative **MARTIN**: Thank you, Madam Speaker, Members of the House. Probably because I'm the only one that was here when the public reserve lots were created, I've been asked a number of questions which I thought appropriate

to make some comments. And I begin with the fact that Maine became a state in 1820. And at that point, the Commonwealth of Massachusetts had sold off most of the state, obviously to land agents basically for the Commonwealth, sold to individual families, some of those names are still around. I will bring you back to pre-United States of America under the Articles of Confederation. What was created at that point was a township concept. That is that a township was going to be 36 square miles and 1/36th of that township has got to be set aside for ministerial and school purposes. That was the structure that Maine found itself with.

In the course of what then transpired back in the 1850s and 1875, having becoming Maine, the land agent in Maine started selling and deeding off the 1/36th to those who had acquired ownership of that particular township. And that stayed into law until some of us, and in particular some of the names that you remember and read about, I'm sure, brought action against the landowners and argued that the 1/36th should never have been sold. The assumption was that they got the 1/36th for one cutting and the grass growing for one cut. That is what it ended up in the Maine State Supreme Court in the decision called Cushing v. Maine. And that decision basically said that that 1/36th could not be sold, they may have sold it once for grass and timber cut, but that was it. And the Supreme Court ruled that public lands, that 1/36th, belonged to the people of Maine. In addition, they ruled that every cut from the first cut that the landowners had done, they had to pay the State of Maine for it. Needless to say, it was an emotional period for those of us in state government, all of a sudden we acquired quite a bit of land, but it was as much a shock to the landowners and the paper companies when they realized that in most instances the 1/36th had never been laid out in any of those plantations or those townships, I should say. So, automatically overnight the State became a one-third owner of the entire township.

Needless to say, they did not want the State of Maine involved in controlling the cuts and the operation of the land within the township, and they certainly didn't want the group of us who were young rebellious legislators to be in charge. Joe Sewall was then President of the Senate, I was then Speaker, we created a commission to start dealing with the issue. And what we worked out was the transfership of land so that in various parts of the state where Maine probably would not want to have as part owner, we took the 1/36th and we merged 36 of them, or actually 35 thirty-sixths, because we already owned one 36th, into a township that would become public reserve land. So when you look at a map today and you see Round Pond Township, Deboullie Township, Eagle Lake Township, and others around the state, that's what occurred in the transfer and that became what we now know as public reserve land. The intention was that that would be available for the people of Maine in perpetuity. In addition, at that point, some of us decided that what we had to do to preserve the integrity of those lots was to pass a Constitutional Amendment. That Constitutional Amendment which I sponsored which became law basically says that no public land owned by Maine can become transferred without the approval of two-thirds of both houses of the Legislature, to which we now have. That is the structure that we now operate under.

In this particular instance, the person or company, I should say, that owns or leases from the State part of the public reserve lands in the Eagle Lake Township, which is not the town of Eagle Lake, and I admit it gets a little confusing, but has come to the State on a number of occasions to buy that land, and the State has refused to do that. This time,

when the issue came before the committee, the committee discussed at great length and came out with a report which deals in effect that they would do a quitclaim deed and basically this is where one of those issues which, you know, basically history comes back to haunt you whether you like it or not, but I participated in structuring an entity that did that for the Chesuncook House in the year 2000. That issue is what you now have in front of you. But I thought it was important that I lay out to you the issue of the public lands because there is some misunderstanding of what it is we did and I hope, and we're probably not going to have a vote on this today, but so be it, because the final vote will be an enactment, that will be where the vote matters. But I do think it's clear you need to understand the history. Thank you, Madam Speaker and Members of the House, and I'm sorry I went so long but I thought it was important that I give a little history.

Subsequently, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-303) 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-303)** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 609)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Monday, June 3, 2019 at 10:00 in the Morning.

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.**

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-44)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Implement the National Popular Vote for President of the United States"

(S.P. 252) (L.D. 816)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-44).**

TABLED - May 16, 2019 (Till Later Today) by Representative SCHNECK of Bangor.

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

Representative ANDREWS of Paris **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Paris.

Representative **ANDREWS**: Thank you, Madam Speaker. I rise today to speak against the pending motion.

America has always been a republic, not a democracy. We were founded as a representative constitutional republic; we were purposely built this way to protect the minority from the tyranny of the majority that comes with mob rule direct democracy. Two wolves and a sheep deciding what's for dinner is no way to govern or for a nation to select their president.

The Electoral College is about protecting the voice of every state in the nation, especially large rural states with low populations like the great State of Maine. We need to protect the Electoral College to save our voice and protect our state's sovereignty. Do we continue to use the methodism that has been with us in some form or another since our founding? A system that effectively holds 50 simultaneous elections across 50 states and selects the 538 electors who will ultimately cast their state's electoral votes to select the President of the United States? Or do we destroy what has been working for centuries and toss the Electoral College into the dustbin of history and then dismantle our sovereignty state by state until we only have the largest cities in the nation choosing our President?

The President of a nation should have national support. It's been that way since our founding, and it really is that simple. We have always been a republic and we need to keep it that way. The Electoral College ensures that one person gets their one vote in one of 50 statewide elections. This also ensures the presidential candidates will have to visit as many states as they can, to build as many broad coalitions as possible across as many states as possible, to win as many electoral votes as they can on the way to the 270. The national popular vote will negatively and fundamentally change our nation and our future. This is why it is the most dangerous bill offered this session. This bill is toxic, subversive, and reckless. This is evidenced by the fact that no one in the House or Senate ran on a platform of abolishing the Electoral College. If a candidate had run on destroying the Electoral College and giving Maine's electoral votes to New York City, they would have been laughed off the campaign trail and most certainly would not have been elected. That's how radical and out of the mainstream this is. Yet here we are fighting tooth and nail for our state sovereignty, our Electoral College, and our nation's future. We had a bipartisan Ought Not to Pass Majority Report in VLA Committee. We need to vote this motion down to get to the Majority Report of Ought Not to Pass and pass it. Please follow my light. The republic depends upon it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Schneck.

Representative **SCHNECK**: Thank you, Madam Speaker, Men and Women of the House. I thought this afternoon it might be a good idea to begin our debate by setting out how the bill works. So we'll start there.

This bill proposes to adopt an interstate compact to elect the President of the United States by national popular vote. Under the compact, the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia is elected President. Under the compact, all of the states' electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. This bill takes effect only if

enacted by states possessing a majority of the electoral votes, that is enough electoral votes to elect the President, which is 270 of 538. The amendment clarifies that Maine's presidential electors are not obligated to cast their votes in favor of the presidential candidate and vice presidential candidate that are declared the winners of the national popular vote until the interstate compact to elect the President of the United States by national popular vote takes effect as described in the bill.

Now, I just want to go back and give you a little history before the debate begins. What's not so well known is the role that both of our U.S. Senators in the 1960s and early '70s, Margaret Chase Smith and Edmund Muskie played, championing the most significant effort to overthrow the Electoral College system. In 1969, with bipartisan support, including the backing of newly elected President Richard Nixon, the House of Representatives voted 338 to 70 to pass a Constitutional Amendment shutting down the Electoral College and substituting a national popular vote. The next year, a majority of U.S. Senators also supported the plan but it failed to muster the two-thirds vote required to cut off the filibuster. Senator Muskie said that the Electoral College failed to take into consideration the evolution of America from a country of separate sovereign states into a cohesive national government, and then went on to observe that the President seeks and derives his support from the nation as a whole, not from one state at a time. Thank you, Madam Speaker.

The SPEAKER: There are 14 Members in the queue.

The Chair recognizes the Representative from Pittsfield, Representative Strom.

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

I serve on the Veterans and Legal Affairs Committee where this bill was heard, and I was one of the members of the majority that voted Ought Not to Pass in that committee. I personally did so because I like the way we do things in Maine, how we can split our electoral vote between our Congressional Districts and by doing that it not only brings presidential candidates to Maine, but it brings them to both Congressional Districts. If we were to use the national popular vote, we would not be getting presidential candidates into Maine and specifically certainly not into Maine's Second Congressional District, like we do now. So I hope everybody will follow my light and oppose this pending motion. Thank you.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. There is a famous story that upon exiting the Constitutional Convention, Benjamin Franklin was asked by quite a group of people what kind of government have you created? His answer was; a republic, if you can keep it. That is the question that we're debating here today, Madam Speaker; can we keep our republic?

The Electoral College is a defense against faction. As Madison wrote in Federalist 10, faction is a part of human nature and must be harnessed for good. And that is what the Electoral College is designed to do; to ensure that the zeal of a large group of people isn't able to run over the liberties of the individual.

Let us keep our republic and ensure that the rights of the individual, the smallest minority that there is in this country today, and that the voices of Maine are protected against majoritarianism. Thank you.

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

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

My fellow House Members on both sides of the aisle, I'd like to take just a few minutes to offer a respectful historical perspective for your consideration. Most people seem to have little understanding of how the Electoral College system works. The electoral system is very fair and very well thought out. Our founding fathers demonstrated pure genius in correctly recognizing that direct democracies do not work. They established a constitutional republic that we call the United States of America because they knew that the tyranny of the majority that always accompanies a direct democracy was not workable when building a nation for the long-term. Our Constitution was written to reflect our democratic principles and to protect minorities; not just minorities of color, but all minorities. We do that better than any nation that has ever existed and we do it in a bipartisan way.

It must be noted that our Congress has 435 reps, elected and apportioned based on population. Our Congress also has an equally powerful branch of 100 Senators, apportioned two to each state regardless of population. This is the best coequal system of government ever devised and coupled with the Executive and Judicial; it is the best system that has ever been created by man on earth. Our founding fathers wanted all elected officials to reflect this sensibility. The Electoral College was created as an exact duplicate of our congressional system to bring this accountability to the Executive Branch. Representation provided to both population areas and to areas that are less populated. The little areas need an equal voice as well. Nothing unfair about this. Different cultural differences and different realities that recognize the trials of life must be represented.

The Electoral College system is a creation of the greatest country that has ever existed. As I said, it is pure genius by our founding fathers. Some think our democracy is floundering. If it is, it is floundering not because we have a constitutional republic with an Electoral College, but because we have a growing population of people that do not understand or comprehend that direct democracy only represents the tyranny of the majority.

We must leave our Electoral College as it is and as it was devised. Allow it to work and respect and honor its results. It does its job, just as our founding fathers envisioned. Maine has an equally fantastic system that allows our little Second District a say in government. It keeps Maine on the national map. If we tamper with the staple of our republic, what is next; the Senate of the United States? Please, leave the Maine system alone and the national system alone. Please vote no for the sake of our children, and stop this madness once and for all. Thank you, Madam Speaker, and I ask you to please follow my light to defeat this motion so that we can move the Majority Bipartisan Ought Not to Pass Report.

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, the current Electoral College system as outlined in the U.S. Constitution gives Maine more influence and attention. In 2016, Maine had an unprecedented three visits from a presidential candidate and many visits from both candidates' top surrogates. To have Maine just agree with the popular vote regardless of how the people of Maine vote would

subjugate us to the will of Texans, New Yorkers, Californians, and Floridians. It would mean that while Mainers wanted John Kerry for President in 2004, Maine would have voted for George W. Bush, the winner of the popular vote. We wouldn't change a system that protects and gives voice to small states like Maine. Thank you, Madam Speaker.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, supporters of this motion, the adoption of the national compact, would have Maine's four electors be chosen by Mainers who voted for the national popular vote winner. The motion would have us abandon the principle of federalism as expressed in the form of the Electoral College.

The motion before us requires us to evaluate the virtues of two fundamental principles of American government; popular sovereignty and federalism. Supporters of this motion, of this compact, ask why should we adhere to the Electoral College, a product of federalism, as a means of choosing the President of our federal republic? But I answer that federalism is a good thing. Because a federalism with dual governments, national and state, as a state government we, not the federal government, decide issues of how to protect the vulnerable, how to punish wrongdoers, and how to educate our children. Because of federalism, we in this chamber exist as a body today because without it we would be governed by a bureaucrat appointed from Washington. And because the framers of the constitution decided in the 11th hour of the Constitutional Convention to avoid centralized power, by not allowing Congress to choose the President, they instead allowed the people of the states to choose electors to choose the President. By the era of Jacksonian democracy, 96% of all states had electors chosen by popular vote in each of the states. There are merits to federalism and many of Maine's citizens work hard during election campaigns to win their state for their candidate. Trusted electors for the Electoral College are chosen by people through their political parties to vote according to their state's popular vote. For electors to not do so would be a betrayal of that trust. In Maine, electors by law are to ceremoniously carry out the will of the winners of the presidential election in Maine. It is noteworthy that a major criticism of the Electoral College is the potential faithless elector who could vote for someone other than the state's popular vote winner.

But today we are being asked to approve a mechanism that could disregard the state's popular vote winner in order to support the national winner and we would put that in statute. So the shortcoming of this proposal, this motion before us, is the potential abandonment of the will of our constituency as expressed by the voters of Maine, yet the proposal before us does have merit. The will of the people is the basis of popular sovereignty and this proposal makes every vote have national significance in choosing the President, even if in their own state at any given time, is predictably voting for another candidate. If a state appears to be one-sided, with a system that respects the national popular vote winner, every voter feels relevant in potential affecting the national outcome. This proposal also provides a redress to the grandfathered problem of the current system, unequal representation. The founder of the Democratic party, Thomas Jefferson, had written that all men are created equal and the first Republican president, who loved the declaration, declared at Gettysburg that we are one nation dedicated to the proposition that all men are created equal. And a year later, he said, quote, we have, as we all

agree, a free government where every man has the right to be equal with every other man.

Commitment to equality has been bipartisan. Soon after the 14th Amendment would enshrine equal treatment of the law into the Constitution, the Supreme Court forced states to reorganize and reapportion, declaring as unconstitutional state legislative representation and congressional district representation that does not adhere to the one person/one vote principle. Just imagine, if the framers had been silent on exactly how we choose our president and the congress placed the Electoral College model into law today. The Supreme Court of the United States would strike it down as unconstitutional. Why? Because the protections of the Constitution today guarantee equal treatment of the law in elections, case law dictating adherence to the one person/one vote principle. But the Electoral College was created to have each state represented not merely by its number of House members, which are equally proportioned by population, but also by adding the number of senators, two for each state. This 18th century decision as dictated 232 years ago, institutionalizes unequal representation into the 21st century.

The motion before us addresses that inequality by providing for a national popular vote to determine the outcome. The inequities corrected by this motion are greatest between the largest and smallest states but these inequities are bipartisan, affecting negatively both Democrats and Republicans. Comparing two blue states, California and Vermont, a Vermont voter has more than two and a half times more representation for each electoral vote than a California voter. Per capita, a Vermont resident's representation in the Electoral College is almost three and a half times that of a California resident. Comparing two red states, Texas and Wyoming, a Wyoming voter has three times the electoral representation in the Electoral College than that of a Texas voter and per capita the Wyoming resident has nearly four times the representation of a Texas resident. Hillary Clinton in 2000 said it's time to move away from the Electoral College and move toward a popular vote. Donald Trump in 2012 said the Electoral College is a disaster. Telling voters of the need for changing the Electoral College has been bipartisan.

Madam Speaker, the Electoral College exists today with unbalanced, unequal representation only because it was grandfathered by the 18th century compromisers; men who failed to add a Bill of Rights, who failed to tackle judicial review. They denied equality not only to voters but to women and to slaves. Today in the 21st century, we have evolved to value that all Americans count and should be counted. The compact before us allows Maine electors to proudly cast votes for their candidate who won the national popular vote. It makes voting relevant for all, even if the results in the state are predictably lopsided.

So, the Electoral College based on federalism where an elector's loyalty is to the candidate of the state's choice has merit. The compact based on popular sovereignty, enhancing every voter's impact as an individual on the national outcome, has merit. Madam Speaker, if only the virtues of these two could be before us in a compromised proposal. But to offer any improvement, we first would have to accept this report of Ought to Pass as Amended on LD 816. The rules must be fair to all and consistent with the constitutional principle of one person, one vote. But to reform the Electoral College by denying most Mainers any power of representation by electors is overstepping. It is possible to honor the power of the people of Maine and the power of the American people, to honor both

with electoral representation. We can do better. Thank you, Madam Speaker.

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

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

This movement is a nationwide kneejerk reaction to the election of Donald Trump over Hillary Clinton. There have always been a small number of people questioning why we do not elect presidents by popular vote, but never on this scale. Impetuously, it might seem like a good way to elect a president, but there is a laundry list of reasons why it wouldn't. We should not ignore the genius of the framers. The framers designed a system that gave smaller states a form of representation that prevented larger states from walking all over them. This is why even though representatives are apportioned based on population, every state has two senators regardless of population.

This representative form of government was carried over into the Electoral College where each state's electoral votes are an allocation of the total number of Senators and Representatives. This system is ingrained in the Constitution. If supporters of LD 816 seek to change the way we elect our President, the proper way of doing it is through a Constitutional Amendment, not a loose alliance of state laws that seek out to circumvent the Constitution. I swore an oath to uphold and defend the Constitution and I take that oath very seriously.

So let's just say, for the sake of argument, that the supporters of LD 816 found a constitutional way to accomplish this, and they won't, but here's why I would still be against it. These are our votes, they belong to us, they belong to Maine. First, if this compact went through it would give all of our representative electors to the popular vote winner. Even if Maine voted 100% for one candidate and California swung the vote, our electors would go to the other candidate. Secondly, chaos. If proponents of LD 816 even contemplated the chaos on a national recount, can you imagine the logistics, cost, and hysteria that would ensue if a recount was necessary? We've seen how lengthy a recount process can be at the state level. Who can forget the recount in Florida after the 2000 presidential election; just imagine that on a national scale. The uncertainty and violence that would follow would be a national disaster. Third, turnout. I don't think supporters of LD 816 have considered that local elections drive turnout. Does Maine really want to give up its electoral votes because California had several enthusiastic candidates while Louisiana voters stayed home because their candidate ran unopposed? These would be factors that would change the national vote. Alternatively, how about if a massive snow storm hits Michigan, Pennsylvania, and New York while there are sunny skies in Florida and Texas? These are just some of the reasons why we use the Electoral College. Fourth, integrity. How could we keep ballot integrity on a national scale if the states only have power over their own electors then they can't stuff the ballot box for other states, but what happens if New York votes count in Maine? Who hasn't heard of ballot stuffing at polling stations in Chicago or voter fraud in Michigan and elsewhere? How would a vote on a national scale keep any form of integrity? Finally, I would say that here in Maine we have the best fairest system of allocating electoral votes in the country. Why would we want to change it? Maine allots its two electoral votes to the winner of Congressional Districts and two to the winner of the overall vote.

The state motto is "Dirigo," which translated means, "I lead." Maine should be a shining example to other states of how to fairly allot electorates by Congressional District and lead the country on that path, not winner takes all. This system is the best way to hear the voice of the people while maintaining the integrity of the voting process for the nation. Precipitously, it is easy to see how someone could think that LD 816 is a good idea. The person with the most votes wins, right? But prudently the idea falls apart. I hope for the reasons that I've laid out that supporters of LD 816 will contemplate a little further and see why national popular vote is a bad idea for Maine and the USA.

In 1787, when Ben Franklin was exiting the last Constitutional Convention, a crowd gathered and asked him what sort of government the delegates had created. His answer was; a republic, if you can keep it. I will not support now, nor will I ever support the national popular vote. Thank you.

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

Representative **GROHOSKI**: Thank you, Madam Speaker and fellow House Members. I do support this measure and I'd like to tell you a little bit more about why.

The national popular vote bill would give each individual voter in Maine and every other state a direct and unfiltered vote toward the election of 270 presidential electors supporting their choice for president. Every voter in every state would have their individual vote counted directly toward their choice for president. I, for one, believe that my vote is not worth more nor is it worth less than any other adult American who exercises their right to vote regardless of which state in the United States they live in. I also believe that our active duty members in our armed services, including many of my cousins who are stationed at bases around America and abroad should have an equal vote when selecting their Commander in Chief.

I would like to point out that in a recent poll conducted by the Public Policy Polling Group on March 12th through 13th in 2019, this very year, with over 600 respondents, these people who were polled were given three options to pick from in terms of how we might elect our president. Their options were, quote, a system where the candidate who gets the most popular votes in all 50 states is the winner, that was their first choice. Their second choice was a system where electoral votes are given out by Congressional District, which is our current system here in Maine, or a system where all electoral votes in a given state are awarded to whoever gets the most popular votes in that state, and that is a system that 48 of our other states use, the winner-take-all method. When people were given those three choices, this is what they said: 52% said they prefer a national popular vote, 31% said hey, we like how Maine's doing it now, 16% said we'd like to do it the way the other states do it. So, we have seen that the people of Maine, many of them, not all of them, I'll grant you that, but the majority of people of Maine are interested in a different system than the one we have now by over 20% margin.

This measure is supported by many, many national groups and I hate to give a list because, you know lists are long and everybody's going to tune them out anyhow but these groups are so fundamental, to me, at least, and to reform in this country that I do want to list them for my colleagues to hear. These groups include the League of Women Voters, the NAACP, the Sierra Club, the League of Conservation Voters, the ACLU, Common Cause, Fair Vote, NYU's Brennan Center for Justice, the American Constitution Society, the Urban League, the U.S. PIRG, and those are just a few of them.

Locally, we have many of those same -- the branches of those same groups who support this legislation.

I would like to close in saying that this is not a recent idea, this is not a kneejerk reaction and, in fact, as you heard from the Representative from Bangor, many people who have represented us in the State of Maine have supported this measure for many, many years. And so I'd like to share with you a quote from Margaret Chase Smith in support of national popular vote that she gave in 1966: The Electoral College is doomed to be replaced by the direct popular election system for the American people will ultimately assert themselves and demand that the will of the majority prevail and the American people will prevail over the powers that be who cling to perpetuation of the status quo. Thank you, Madam Speaker.

The SPEAKER: There are 14 people in the queue.

The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: Thank you, Madam Speaker.

This unconstitutional scheme, if it succeeds, will result in a constitutional crisis that requires a ruling by the United States Supreme Court. It will result in election chaos. We are Mainers, not urban elitists. We share many values with citizens with other states but we have our own culture and identity. Why should our electors have to cast our electoral votes for someone that we didn't vote for? The current system favors Maine and the influence of our citizens to impact the selection of a president. To abandon this system is to cede Maine's voice to large urban areas that do not share our values and outlook. We have a Bipartisan Majority Ought Not to Pass Report. I urge you to vote no on this motion. Thank you.

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

Representative **FECTEAU**: Thank you, Madam Speaker. I rise in strong opposition to the pending motion. I support the bipartisan Majority Report instead.

To respond to a previous comment, I casted my 2008 ballot from the western desert in Iraq. I felt absolutely fine about how my vote was to be counted, as did my comrades who came from all over this nation. "And to the republic for which it stands" are the words you and I proclaim at the beginning of each and every session. I firmly believe in our republic, and I emphatically condemn pure democracy and mob rule.

This bill before us, the national popular vote, wholesales the entire value of our Electoral College and the essence of being a United States away. Our Electoral College protects Maine and gives her a louder voice in the national stage than we would have with a national popular vote. Maine currently holds about 0.7% of the Electoral College and about 1.5% of the 270 votes to win. A national popular vote would ensure Maine's 1.3 million people would only have about 0.4% of the national voice. That's more than a 40% drop. Presidential candidates won't care less about what Maine finds important, especially if our voice is reduced by 40%. Maine's entire population is smaller than 40 other metropolitan areas in the United States. Not states; population centers. Ten of those metropolitan areas are in California and Texas alone. A presidential candidate would be able to logistically grab more votes in any of these 40 population centers than bother with the vastness of our great state.

With an automatic wholesale of our electoral votes to the national popular vote winner, Maine could give away those votes to a candidate that didn't record a single individual vote from a Maine voter. It is also likely Maine could give away our four critical votes to a presidential candidate that was actively

working against the interests of Maine. It's not completely asinine to think a presidential candidate might not support BIW or our brave men and women at the Bangor Air National Guard Base. This person may support building a wall on our northern border with Canada, they may promise executive action to curtail lobster fishing or logging. This person may want to thrust us into a war Maine people don't support, or even promise to pull federal funds to our state for positions on marijuana, immigration, competing currencies, our energy decisions, or the delicious and nutritious soft drink of Moxie. Why would we want to make promises when we haven't been assured a presidential candidate was acting in Maine's best interest?

Maine has the most perfect version of the Electoral College in the country and I believe others should follow our lead. Not only are we not a winner-take-all state, we respect the differences between the First and Second Congressional Districts. All this occurs while granting our remaining two electoral votes granted to us by our participation in the U.S. Senate to the candidate that wins Maine's popular vote. Maine is the gold standard with regards to protecting our republic. Madam Speaker, supporting the Electoral College puts Maine first, respects that we are United States, bound by a contract that supports all 50 members, and a republic that is opposed to the tyranny of the majority, especially if a candidate acts in the interests of our beautiful state. If people are really unsatisfied with the process, they should amend the U.S. Constitution. Thank you.

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

Representative **DOLLOFF**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. We are Mainers; not New Yorkers, not Californians. Virginia is for lovers, Texas doesn't want to be messed with, and in New Hampshire they live free or die. I want to keep Maine the way life should be. We drink Moxie, we eat whoopie pies, and while we share many values with citizens in other states, we have a culture and an identity all our own. I don't want to lose ourselves to states that maybe don't share the same outlook that we have here in Maine. This is why we are proudly Mainers. Our founders divided government to protect the diverse perspectives of individuals and the different identities of different states. That diversity is valuable to us as a whole by providing divergent viewpoints and assure that this country of over 300 million people, we are able to provide opportunities for people to live in the communities that best suit them.

This is a Majority Ought Not to Pass. Let's stick with the committee and it's the majority vote to protect Maine's voice. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Madam Speaker, Men and Women of the House. I would like to say you should probably get a raise for having to listen to all these wonderful speeches. Anyway, here I go. Do you think mine will perhaps turn everybody?

The Electoral College system has had a unique and checkered past. At the federal level, there have been changes to the Electoral College system such as the 12th Amendment ratified in 1804 changed the original process of the Electoral College, allowing for separate ballots for determining the President and Vice President. The District of Columbia has had three electors since the 23rd Amendment was ratified in 1961. There have been other attempts to change the system, particularly after cases in which a candidate wins the popular

vote but loses the electoral vote. That's happened five times. The closest Congress has come to amending the Constitution since 1804 was during the 91st Congress. It was proposed that the direct election of a President and Vice President required a runoff when no candidate received more than 40% of the vote. The Resolution passed the House in '69 but failed to pass the Senate.

Now, as we all know, each individual state has the right to change or control the way it distributes its Electoral College votes. As I look at this bill, I cannot find that LD 816 violates the Constitution of our United States. This bill reallocates the way in which we distribute our electoral votes. In my opinion, the State of Maine and Nebraska have adopted a more efficient means to distribute our Electoral College votes. It is known as the Congressional District method, as we all know. Since the electors are awarded to each state based on the number of House seats plus the number of Senate seats, always two, the Congressional District method allocates one electoral vote to each Congressional District and the winner of the statewide vote is then awarded to the state's remaining two electoral votes. This method, I feel, gives the people of each Congressional District in Maine more say in who our next President and Vice President are. We are proud to be able to say that our vote does matter. By lumping our votes into a great big giant general pool by an at-large winner, in my opinion, diminishes what we say we have in the Electoral College process.

As Maine goes, so goes the nation. This phrase used to describe Maine's reputation as a bellwether state for presidential elections and other. This, as we know, in recent elections has not been the case. If LD 816 passes the once proud people of -- from Maine will forever lose the ability to reclaim our former phrase. If passed, our lonely few electoral votes will be lumped in with the people around the nation who do not hail from the great state of Maine, and do not represent our unique ways. This bill, LD 816, will eliminate our distinct position with Nebraska and diminish the unique role that our great proud state has. Thank you, Madam Speaker.

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

Representative **COOPER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I believe that the Electoral College is antiquated and antidemocratic. It was founded and implicates the notion at the time that slaves were less than whole people. But the issue before us today is not about whether it is the best way to elect a President and Vice President or, rather, whether a popular vote is a better way. For me, at least, the issue is whether the process, whether the vehicle we are discussing today, the interstate compact, is lawful and constitutional in this instance.

Interstate compacts have been used in many instances and under the Constitution, it requires Congressional approval. However, the Supreme Court did decide that that approval, the Congressional approval, is only required if the compact diminishes the federal powers in some way. To understand what interstate compacts are about, you have to look at the way they've been used. It's primarily over things like reciprocity with driver's license, professional licenses, building transportation systems across borders, and so forth. None of them, so far as I know, involve a fundamental part of the Constitution itself and in this instance, it implicates the part of the Constitution which is the Electoral College and the amendment process, most particularly, the amendment process. We have a way of amending the Constitution to do away with the Electoral College. Now, the supporters of this

measure understand correctly, I believe, that it is going to be very difficult to get a Constitutional Amendment to replace the Electoral College with a national popular vote because of the way the system is set up. It's stacked against them, and my own personal beliefs, as well. Nevertheless, that is the system we have. Amending under the amendment process is difficult, but not impossible. We have done it numerous times.

So, I believe that this proposal offers a false promise because I do not think it is constitutional, nor do I think it will be able to garner the necessary 270 electoral votes of the remaining states that have not yet adopted this measure because, frankly, virtually all of the blue states have already voted on it. There's not enough votes left. So, for practical and constitutional reasons, I think this is a false promise. It hurts me to say this, but I voted against this measure not because I don't think it's good policy but because I think it is unlawful. Thank you.

The SPEAKER: The Chair recognizes the Representative from Milford, Representative Drinkwater.

Representative **DRINKWATER**: Thank you, Madam Speaker. I rise, still a freshman and learning a lot of things here today. I'm rising against LD 816 and for various reasons.

This is a pretty extreme measure that we've considered and as we all know, Mainers are unique. I love this state, except in January and February of course, and Mainers take care of one another and we're a very unique state. Why would we give that uniqueness up? I don't understand that one. This is nothing but a blatant attempt to get around our Constitution rather than attempt to change it.

I have family that lives in San Jose and they came up last summer and my brother-in-law, Stan, says Gary, what's the population of Maine now? Oh, we're 1.3 million. Oh, he says, you've got San Jose beat by 100,000. Finally, Maine beat somebody out in population. But, in all honesty, we'd be giving over our votes to large metropolitan areas. It doesn't make sense. It doesn't make sense at all. Our constitutional republic protects minorities and small states like Maine, ensuring that we all have a say in the public election of the President. Why would we throw this away because of a few sore losers that cannot respectfully accept the outcome of an election? And we changed the way we vote here in Maine and we all saw the results of the ranked-choice voting. Some of our votes were nullified during that process. So, please vote for Maine, not the narrow agenda of the extreme 1% seeking to uproot our Constitution by getting around it. Thank you, Madam Speaker.

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

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 strongly oppose this motion and here we are again moving a Minority Nonpartisan Report.

I would ask you all to consider the following, and I know we've heard some of this before, but it bears repeating. Yes, we are a constitutional republic, not a democracy. A republic gives voice to all citizens, especially the minority. A democracy silences the minority by steamrolling them with the majority. Historically, pure democracies have devolved into mob rule. I will not support allowing Maine, a minority state in the Union, and my fellow citizens' voice to be disenfranchised

and minimalized in a presidential election should the Electoral College be removed.

I urge my colleagues to vote this motion down, then we can move the Bipartisan Majority Report. Thank you.

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

Representative **DILLINGHAM**: Thank you, Mr. Speaker, and the few Members of the House. I rise in opposition to the pending motion where much of what I would've said has already been said. In the interests of time, I will be very brief.

I do not want to cede the voice of my constituents under any circumstance. Please let's protect Maine's voice and stop the push for a national popular vote by voting down the Minority Report and move to the Majority Report. Thank you.

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

Representative **KESCHL**: Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Like my Good Representative and leader, much of what I was prepared to say has already been said. And I'm rising in an opposition to this proposal, and for me it's not a partisan issue. I believe rather it's a constitutional issue.

And the only thing I really want to add to the debate that's already occurred is a quote from President Washington's farewell address to the people of the United States. And he goes on to say: If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit, which the use can at any time yield.

And I urge my Fellow Representatives to vote in opposition to the pending motion to allow the Majority Report to move forward. Thank you.

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

Representative **ACKLEY**: Thank you, Mr. Speaker, my Friends of the House. What this bill is, Mr. Speaker, is about correcting distortion. Because how we currently select our President in the general election results in policy distortions that affect every Mainer and makes Maine an afterthought to presidential candidates. I believe that there are three basic principles that underscore the integrity of the national popular vote. One, that each voter should have an equal voice, two, that the candidate with the most individual votes should be declared the winner, and, three, most importantly, that the method we use ought to be in the best interests of the citizens of Maine. Currently, under our current system, we have every elected office in the State of Maine except one respecting these three principles; the office of the President of the United States. And that is because of winner-take-all elections in most of our other states. In fact, five out of 45 presidential candidates who received the most votes did not actually win a majority.

We've heard a number of tall tales during the public testimony on this matter. For example, in the committee we were told that the proposal in front of us is unconstitutional when clearly it is not. If you read the Constitution, Article 2, Section 1 states that every state gets to determine how their Electoral College votes are awarded, and the notion of an interstate compact has been upheld by the Supreme Court numerous times as falling within the jurisdiction of state's

rights. Tall tale number two, Mr. Speaker, was that the Electoral College favors small states like Maine. One look at reality says not true. Maine is disadvantaged with the winner-take-all policies of our other states. The reality of modern presidential campaigns is that they focus almost entirely on swing states with lots of Electoral College votes. The 12 states of New Hampshire, Iowa, Nevada, Colorado, Wisconsin, Arizona, Virginia, North Carolina, Michigan, Ohio, Pennsylvania, and Florida have accounted for 90% of campaign visits in the 2012, 2016 post-primary campaigns. It's not because they are big states or small, there are some in each of those groups. It's because they are closely divided and post-primary campaigns actually have a chance of influencing the vote past the 50% mark so that the winners can take all.

Now, let's take New Hampshire, for example. Compared to Maine, our population is about the same. Our geography is similar, our Electoral College votes are both four, and yet in the last ten years compared to Maine, New Hampshire has received ten times the number of post-presidential primary visits and 100 times the number of advertising dollars. The current system gives Maine the short end of the stick in comparison because we are not a swing state. And by giving equal voice to every voter in the place of winner-take-all, Maine would have an equal standing to New Hampshire.

The last tall tale that we heard with the national popular vote, Mr. Speaker, is that Maine just won't be able to compete. I find that to be nonsense. Let's not forget that Maine excels in voter turnout. In presidential years, we are consistently in the top five, if not number one. We should be proud that in 2016 we were second only to Minnesota at 72.9% voter participation. Why is this important? Because presidential campaigns pay attention to the costs of reaching voters, an area where Maine is most affordable. The answer is clear; Maine has a competitive advantage for presidential campaign attention if we decide to use it. If we stay where we are, Mr. Speaker, get used to the distortions of our current system. A few weeks ago we voted on an issue about ethanol in gasoline in this chamber. Why Washington D.C. mandates ethanol in gasoline in Maine has a lot to do with presidential politics, because there are a bunch of Midwestern corn farmers, Mr. Speaker, who vote in battleground states where it's winner-take-all. The post-primary campaigns spend a lot of time there making promises and piling on attention. When the election is over, those politicians follow through with corn subsidies. So what we get from the current system, Mr. Speaker, is a whipsaw here in Maine. We'll let battleground states like New Hampshire and Iowa continue to determine our fate. If you like distortions like our national ethanol policy, don't vote for this bill. I, on the other hand, will be voting for the national popular vote because it's a better deal for the State of Maine. Thank you, Mr. Speaker.

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

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I've enjoyed all the arguments here and some of them have merits on both sides.

Back in 1787, in the spring of that year, the Constitutional Congress was trying to decide how they were going to write the Constitution, and it wasn't until the heat of the summer that the little state of Rhode Island showed up because they finally had convinced the assembly that they would get some representation in the fact that there would be two senators from small states. So, little states do have a little bit of pull on things of that nature. And it's one of the things that we're

discussing here today is how much influence we would have if we stepped away from what we do now and if four or five large states or 15 or 20 large population areas elected the President, we would never see a presidential candidate here in the state. And so, unlike what some of the speakers perhaps have been thinking on this, in practicality we would be ignored, along with other small states. And not only ignored in campaigning, we have very talented people in the State of Maine. Rhode Island was an example way back when, they must've had some talented people that got some influence, and those talented people in this little state would be ignored also. There would never be a presidential candidate from the State of Maine, there would never be a vice presidential candidate from the State of Maine if we were to go to the national vote that we are discussing here today. This would be a terrible mistake. I would suggest that you vote against the motion on the Floor. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Mr. Speaker. The breaking news is that Nevada's Democratic governor, Steve Sisolak, just vetoed their national popular vote bill. I'm going to read his quote: After thoughtful deliberation, I have decided to veto Assembly Bill 186, Sisolak said in a statement. Once effective, the national popular vote interstate compact could diminish the role of smaller states, like Nevada, in national electoral contests and force Nevada's electors to side with whoever wins the nationwide popular vote rather than the candidate Nevadans choose. I would urge my colleagues to vote against the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Turner, Representative Morris.

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

Our system of government is based on the principle of checks and balances. The people accept and expect this as a way to secure and preserve our constitutional liberties. These checks and balances are particularly important when we are talking about our federalist system of government. The Electoral College provides a critical check by the states upon the federal government. It serves as a reminder that the states created the federal government, not the other way around.

In Federalist 10, James Madison wrote about the nature of humanity and the roll faction plays in government. He states: There are two methods of curing mischiefs of faction: the one by removing its causes; the other, by controlling its effects. He states there are two methods of removing those causes; one, by destroying the liberty which is essential to its existence, the other by giving every citizen the same opinions, the same passions, and the same interests. In the case of the former, Madison writes: It could never be more truly said than of the first remedy that it is worse than the disease. Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

Passing this bill would be a folly akin to abolishing liberty. We would be subjugating our voice in national elections to people in larger states and cities that have no concern for our opinions, our passions, or our interests. I think we can all agree with Madison that the second method is as impracticable as the first. One only need look at this body of 151 men and women to see that we all put forward different opinions,

passions, and interests depending upon geography, age, and life experiences. As to the second method of controlling faction, Madison writes the inference to which we are brought is that the causes of faction cannot be removed and that relief is only to be sought in the means of controlling its effects. Further, he asks by what means is this object attainable? Evidently, by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or that majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression.

The Electoral College serves as a way to control faction, by allowing each state with its particular interest to decide who they choose to be President. It limits large population centers from being able to carry into effect schemes of oppression. The President must consider the interests, the passions, and the opinions of all Americans from sea to shining sea. The Electoral College is as important today as it was in James Madison's time. Faction is as much a concern now as it was in 1789. The Electoral College requires a presidential candidate to have a broader national appeal. It makes it harder, as Madison argued, for men and women of factious tempers, of local prejudices, or sinister designs to by intrigue, corruption, or other means obtain the suffrages than betray the interests of the people. 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. Please pause and think about what we are about to do. A small group of national extremists is seeking to override the opinions and votes of our friends, neighbors, and all Maine citizens. Making a change to conform with an extreme national agenda will make us all less powerful and irrelevant.

In public hearings in both of my committees, I'm often reminded of the fact that Maine is an end-of-the-line state, as we only border one other U.S. state. Our founders divided government to protect the diverse perspectives of individuals and the different ideas of different states. That diversity is valuable to us as a whole by providing divergent viewpoints, and ensures that in a country of over 300 million people we're able to provide opportunities for people to live in communities that best suit them. People live here in some cases, maybe not the Representative from Milford, but they live here because of January and February weather. They're not getting that in Texas or Florida or Southern California.

In a recent poll on WABI TV, which is the CBS affiliate out of the Bangor area, for those that aren't in that area, on this particular issue people overwhelmingly said no to the popular vote; 78.89% voted no, 21.11 said yes. It was one of the largest participated in polls of the year.

Finally, this bill had bipartisan support in the Ought Not to Pass Majority, dare I say the popular vote in the committee. Please vote no on the pending motion and protect the voices of Maine voters. Thank you.

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

Representative **TUELL**: Thank you, Mr. Speaker. It's been a long day and it's going to get a little longer, I reckon. I rise in opposition to the pending motion and I do so for a number of reasons.

First, I believe the bill before us is an end-run around the Constitution as it consciously binds the electoral fate of a group of states to one another. In sports, you'd call that collusion, or in other areas. Unless, as the bill states, the Electoral College

is abolished. We have a tried and true process, as the Representative from Yarmouth and others have mentioned, amending the United States Constitution, a process which has been used successfully 27 times in our country's history, a process which has brought us everything from the Bill of Rights to women's suffrage, to 18-year-olds having the right to vote, to prohibition was instituted by the 18th Amendment and repealed roughly a decade later by the 21st. And that, to me, Mr. Speaker, begs the question; why must we work around the Constitution when we have a clear process laid before us to amend it? If the Electoral College is the problem, why is there not this nationwide push to ditch it outright in a bipartisan way? Why must we endure elaborate mechanisms to upend the proverbial apple cart?

Secondly, Mr. Speaker, I believe the founding fathers crafted a system that, while not perfect, did its best to give rural and urban Americans a say in how their government would function. They recognized that not all states are the same, just as we recognize the fact that Lubec is much different from Lewiston, that Calais is not the same as Kittery, and that Machias is not the Midcoast. In short, that one size does not fit all.

Just the other day in one of my committees we were discussing a bill brought forward by one of our county delegations. The gist of it was that rural residents of that county didn't feel as though their county government was representing them, that the commissioners are being more responsive to more populated areas and therefore that we ought to require the county have a referendum to add additional commissioners. I bring that up not to draw attention to other pieces of legislation, Mr. Speaker, but to illustrate the point that many in our rural communities already feel left behind, already feel as though our larger towns and cities are pushing them aside and, ironically enough, we as Mainers often grumble when the federal government does the same to us on issues we feel are important, such as Social Security and retirement inequities. One need only look to legislation our bipartisan congressional delegation has introduced to rectify those types of issues.

Thirdly, I believe this bill is rooted in a belief that we really hadn't ought to have state and local government, that we are all one great big country and everything ought to be run from the top down. I suspect, Mr. Speaker, that Beals Islanders would not want to give their votes for President away to Boston, or that Lubecers would not wish theirs to go to Los Angeles, Laredo, or Lubbock. And while many from Machias migrate to Melbourne during the winter months, they would not prefer their votes to go permanently south.

My fourth objection to this legislation is specific to our situation here in Maine, and that is, as others have noted, each Congressional District gets one electoral vote and the winner of the state's popular vote gets the other two. This is a good situation for Maine and is much more reflective of our unique state than consigning our votes away to some constitutionally questionable interstate compact.

Lastly, Mr. Speaker, the Electoral College works. Every candidate knows what they're signing up for when they run for President. They agree to be bound by the results. Sometimes the results aren't to my liking, or to yours, but we have the system since our founding and ought to be very, very cautious before we toss it aside for something else. What, Mr. Speaker, happens when we fail to be satisfied with a national popular vote? Do we go to a parliamentary system like they have in the UK, the United Kingdom, or Canada? Do we go Game of Thrones or Disney and appoint ourselves the king or

queen? If those options don't sound palatable, why not just leave it to social media to figure out? Or we could stick with a system that has safely seen us through a civil war, two world wars, the Great Depression, the Great Recession, the Agrarian Age, the Industrial Age, peace and turmoil? And if we really must change that system, we could always amend the Constitution. Our founding fathers gave us the means to do that, a means that allows every American an opportunity to have their say, not some jury-rigged compact. I urge you to join me in opposing the current motion. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Mr. Speaker. I just wanted to -- I apologize for rising a second time. I just wanted to reiterate the news, for anybody who wasn't here, Nevada's Democratic governor just issued his first veto and it was on the national popular vote. It happened to be 20 minutes ago. We should follow Governor Sisolak's wisdom and veto the national popular vote in Maine today, right now. Thank you.

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

Representative **ACKLEY**: Thank you, Mr. Speaker, and I appreciate the last comments about the governor of Arizona having vetoed the national popular vote and there apparently the governor of Arizona is good with math because Arizona is not a small state, Arizona is quite a large state, lots of electoral votes. It's a battleground state and gets a disproportionate number of visits from presidential contenders consistently. So it's not a surprise that the governor of Nevada would come to his senses and say what is the best deal for the state of Nevada? It's also not a surprise, when I did the math for the state of Maine that it is clear that today Maine is getting the short end of the stick and the national popular vote will actually play to Maine's strengths in low cost reaching voters who actually show up in the voting booth. Thank you, Mr. Speaker.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise in strong support of the pending motion.

The most damaging legacy of the Electoral College is not that it has given America five presidents who did not win the majority of the popular vote, two in this century alone, not that it permits 12 so-called battleground states to hijack every presidential election, leaving 38 states and 215 million voters sitting on the political sidelines. No; the most damaging legacy of the Electoral College is its relationship to America's original sin of slavery, absolutely responsible for exerting the power of slave states over free states in presidential elections throughout our nation's most formative years. I have been opposed to its existence since I learned about it in elementary school more than 40 years ago.

The bill before us today would at least minimize the impact of this quasi-representative, anti-democratic body of electors that are not necessarily representative of any people. The issue of slavery, the nation's original sin, permeated everything about the lengthy and contentious Constitutional Convention held in Philadelphia over the hot summer of 1787. The southern states feared that unless some accommodation could be reached to give them more voice in presidential elections, the north would eventually use its political power to attack and destroy the institution of chattel slavery. The resulting compromise, which effectively kept the southern

states in the new union, designated each slave as the equivalent of three-fifths of a person for the purposes of congressional apportionment even though slaves could not vote. That was the genius of our forefathers, Mr. Speaker.

Because the Electoral College is tied to the number of congressional seats plus the two senators for each state, the south was able to exert enough influence over presidential elections to hold on to slavery until the civil war finally put an end to it. Along with setting up the inherently flawed and perennially controversial Electoral College which, by the way, Mr. Speaker, isn't even mentioned in the Constitution, the founders got something right; under Article 2, Section 1 of the Constitution, they gave states the authority to allocate their electoral votes, quote, in such a manner as the Legislature therefore may direct. By also granting states the power to form compacts for any number of reasons, they opened the door to what is in front of us today and for these reasons, the proposal before us is absolutely constitutional.

Mr. Speaker, over the past 200 years, more than 700 proposals have been introduced in Congress to reform or eliminate the Electoral College. There have been more proposals for Constitutional Amendments on changing this than any other subject. The American Bar Association has criticized the Electoral College as archaic and ambiguous. Public opinion polls show that a majority of Americans have favored abolishing it from 1967 through today. LD 816 does not abolish the Electoral College, it does not take any votes away from the people of this great state, it does not give population centers more attention than rural communities, it does not change the way in which we will ultimately elect the President and Vice President of the United States. What the legislation before us does is put the Electoral College to work for all the people, no matter where they live, by ensuring that the candidate who receives the most popular votes across all 50 states and the District of Columbia will always be awarded the 270 electoral votes necessary to become our President. The compact becomes effective when states that combine at least 270 electoral votes pass it, thus pledging to award their electoral votes in a package to the popular vote winner.

This reform would significantly boost the voice and power of every Mainer in choosing their President. Under the current system, Maine voters have a direct voice in allocating just four electoral votes. Under this proposal, Mainers gain a direct voice in selecting 270 electors. No Mainer would have their vote canceled out because they didn't vote with the majority in their Congressional District. Every voter would have their vote counted directly toward their choice for President and the presidential candidate who gets the most popular votes nationwide would become President; a novel idea.

Now, a lot has been said this morning about the tyranny of majority and mob rule. Would it be fair to say, Mr. Speaker, that the majority report of the committee which is not before us represents the tyranny of the committee? As for mob rule, well, thanks to the Electoral College, all eyes in 2000 were on winner-take-all Florida and it took a mob, literally, organized by none other than Roger Stone, who is currently under indictment, to shut down the recount in a county that leaned Democratic. Now, we all know the results of that debacle thanks to an errant ruling of the United States Supreme Court, but mob rule gave us that President.

Finally, Mr. Speaker, I had the honor of standing where you are today and presided over the Electoral College in 2012, so I would have the opportunity and privilege to vote directly for the President of the United States and the Vice President; privilege. That's what I was able to enjoy as an elector chosen

by the delegates at the Democratic State Convention earlier that year, along with the Good Representative from Kennebunk, Representative Denk. Privilege; the privilege of being only one of 538 people across this nation who were able to cast a signed ballot for President and Vice President. And so I put down my opposition to the Electoral College for a day in order to enjoy the privilege of voting for the first black president of the United States of America in fact. My archives containing signed copies of those ballots are some of my most cherished, Mr. Speaker. But it is simply not right that only 538 of us get to cast a direct ballot for our President. In this representative democratic republic also known as a democracy, voting is a right of citizenship, not a privilege of circumstance. With that, Mr. Speaker, I ask you to join me in supporting this fair and balanced electoral reform to ensure that the person who holds the highest office in the land, the most powerful person on the planet, has received the most votes of the American citizens that voted in that election. Thank you, Mr. Speaker.

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, very briefly; LD 816 is not fair, it's not balanced for Maine. If we, the voters in Maine, cast 80% of our ballots for one candidate and the states in the compact decide on another candidate, we lose all of our Electoral College votes to someone that we did not vote for. Mr. Speaker, Maine votes in that situation we could actually affect the outcome of that election. We could decide who is president based on that 80% of the votes we cast. I am not giving up my right as a state to elect a President of the United States and give it to Chicago and San Francisco and Los Angeles and New York City. I'm not willing to do that, Mr. Speaker. Thank you.

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

Representative **KESCHL**: Thank you, Mr. Speaker, and I apologize for rising a second time, but I wanted to bring forward an issue that a constituent of mine and I have been discussing. It was this particular bill. And she was urging me and urging me and urging me to vote for it all the way through last night. This morning I received an email that quoted a blogger from Harvard Business Review and she said to me when she gave me this, she said, Denny, I've read something else about this. Maybe it's a good decision to vote against this. And here's what the blogger said: I do not oppose a presidential election system based on the national popular vote. I have no doubt that if we were to rewrite the Constitution today, we would not adopt the Electoral College system that we have. Our presidential election system is the byproduct of historical forces and political compromises made in 1787 that no longer have contemporary relevance or political resonance, gratefully. Gratefully, the nation no longer needs to balance the political strength of pro-slavery and anti-slavery states. But the relevant question before us today is not whether the Electoral College is the best way to elect the President, it is not, but whether the national popular vote is the right way to go about reforming our presidential election system. It is not, either. The right way to go about jettisoning the Electoral College is to adopt an amendment to the Constitution abolishing the College and providing for the direct election of the President based on the national popular vote. Yes, that may be politically difficult, but it would be far more preferable for supporters of the National Popular Vote Coalition to put their political muscle into that effort than the adoption of the

national popular vote which would usher in the far more politically fraught and litigious era of presidential elections.

And I believe that's what Margaret Chase Smith was trying to do in the 1960s along with other folks is to get an amendment to the Constitution passed. So, I would, again, urge you to vote Ought Not to Pass this but the original vote go forward.

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

ROLL CALL NO. 160

YEA - Ackley, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Cardone, Cloutier, Collings, Craven, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hickman, Hobbs, Hubbell, Hymanson, Jorgensen, Kessler, Kornfield, Martin J, Martin R, Mastraccio, Matlack, McCre, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, O'Neil, Pebworth, Perry A, Perry J, Pierce T, Reckitt, Roberts-Lovell, Rykerson, Schneck, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Alley, Andrews, Arata, Austin B, Austin S, Babbidge, Bickford, Blier, Bradstreet, Caiazza, Campbell, Carney, Cooper, Corey, Costain, Crockett, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fay, Fecteau J, Foster, Haggan, Hall, Hanington, Harrington, Head, Hepler, Higgins, Hutchins, Ingwersen, Javner, Johansen, Keschl, Kinney, Kryzak, Landry, Lockman, Lyford, Madigan C, Marean, Martin T, Mason, Maxmin, Millett, Morris, Nadeau, O'Connor, Ordway, Peoples, Perkins, Pickett, Pluecker, Prescott, Reed, Riley, Riseman, Rudnicki, Sampson, Sharpe, Sheats, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Terry, Tuell, Verow, Wadsworth, White B, White D.

ABSENT - Cebra, Griffin, Grignon, Hanley, Paulhus, Theriault.

Yes, 66; No, 76; Absent, 6; Excused, 2.

66 having voted in the affirmative and 76 voted in the negative, with 6 being absent and 2 excused, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Representative **BABBIDGE** of Kennebunk moved that the House **RECONSIDER** its action whereby the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Representative **STEWART** of Presque Isle **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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. For many of us who sat through many hours of listening to our colleagues debate this and we just had a vote, I don't think anyone's mind has changed in the last couple seconds. I would ask that everyone follow my light, please.

The SPEAKER: A roll call has been ordered. The pending question before the House is Reconsideration whereby the Minority Ought to Pass as Amended Report was Not Accepted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 161

YEA - Ackley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Cardone, Carney, Collings, Cooper, Cuddy, Denk, Doore, Doudera, Evangelos, Gramlich, Grohoski, Hickman, Jorgensen, Kessler, Madigan C, Mastraccio, Matlack, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, O'Neil, Pebworth, Perry J, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sheats, Sylvester, Talbot Ross, Tepler, Terry, Warren, Zeigler.

NAY - Alley, Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Caiazza, Campbell, Cloutier, Corey, Costain, Craven, Crockett, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Dunphy, Faulkingham, Fay, Fecteau J, Fecteau R, Foley, Foster, Haggan, Hall, Hanington, Harnett, Harrington, Head, Hepler, Higgins, Hobbs, Hubbell, Hutchins, Hymanson, Ingwersen, Javner, Johansen, Keschl, Kinney, Kryzak, Landry, Lockman, Lyford, Marean, Martin J, Martin R, Martin T, Mason, Maxmin, Millett, Morales, Morris, Nadeau, O'Connor, Ordway, Peoples, Perkins, Perry A, Pickett, Pierce T, Pluecker, Prescott, Reed, Riseman, Sharpe, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Tipping, Tucker, Tuell, Verow, Wadsworth, White B, White D, Madam Speaker.

ABSENT - Cebra, Daughtry, Dodge, Farnsworth, Gattine, Griffin, Grignon, Handy, Hanley, Kornfield, McCrea, Paulhus, Rudnicki, Sampson, Skolfield, Theriault.

Yes, 48; No, 84; Absent, 16; Excused, 2.

48 having voted in the affirmative and 84 voted in the negative, with 16 being absent and 2 excused, and accordingly the motion to **RECONSIDER** whereby the Minority **Ought to Pass as Amended** Report **FAILED**.

Subsequently the Majority **Ought Not to Pass** was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

SENATE PAPERS

Bill "An Act Regarding the Baiting of Deer"
(S.P. 610) (L.D. 1804)

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

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

REPORTS OF COMMITTEE

Refer to the Committee on Innovation, Development, Economic Advancement and Business Pursuant to Joint Order

Report of the **Joint Standing Committee on Innovation, Development, Economic Advancement and Business** on Bill "An Act To Amend the Jurisdiction of Certain Reviews Conducted Pursuant to the State Government Evaluation Act"
(S.P. 611) (L.D. 1810)

Reporting that it be **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** pursuant to Joint Order 2019, S.P. 587).

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS**.

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

SENATE PAPERS

Bill "An Act To Enhance Personal and Public Safety by Requiring Evaluations of and Judicial Hearings for Persons in Protective Custody Regarding Risk of Harm and Restricting Access to Dangerous Weapons"

(S.P. 612) (L.D. 1811)

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

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act To Require Education about the History of Genocide

(S.P. 310) (L.D. 1050)

(C. "A" S-147)

Which was **TABLED** by Representative TALBOT ROSS of Portland pending **PASSAGE TO BE ENACTED**.

Representative MOONEN of Portland moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-147)**.

Representative **STEWART**: Thank you, Madam Speaker. In order to reconsider, don't you have to be on the prevailing side of the previous motion? Point of Order, sorry. And I'd also ask for a roll call, but Point of Order.

The **SPEAKER**: Point of Order and question understood, if the Member will defer for a moment.

Representative **STEWART**: You got it.

The **SPEAKER**: So, the Chair would answer in the affirmative. All Members in the body did vote for passage to be engrossed, so that was the prevailing side.

Representative **STEWART** of Presque Isle **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-147)**.

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 Reconsideration whereby the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (S-147). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 162

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazza, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, 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, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Cebra, Griffin, Grignon, Hanley, Paulhus, Skolfield, Theriault.

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 House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-147)**.

On motion of Representative MOONEN of Portland, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-147)** was **ADOPTED**.

On further motion of the same Representative **TABLED** pending **ADOPTION** of **Committee Amendment "A" (S-147)** and later today assigned.

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

On motion of Representative FECTEAU of Biddeford, the House adjourned at 2:57 p.m., until 10:00 a.m., Monday, June 3, 2019, pursuant to the Joint Order (S.P. 609).