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Legislative Record
House of Representatives
One Hundred and Twenty-Eighth Legislature
State of Maine

Daily Edition

Second Regular Session

beginning January 3, 2018

beginning at page H-1216

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

UNFINISHED BUSINESS

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

Bill "An Act To Establish Universal Home Care for Seniors and Persons with Disabilities"

(I.B. 3) (L.D. 1864)

TABLED - March 15, 2018 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **REFERENCE.**

Representative ESPLING of New Gloucester moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **TAXATION.**

Representative GOLDEN of Lewiston **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **TAXATION.**

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

Representative **ESPLING**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just wanted to make an argument for why I think this item should be referred to Committee. I think it's very important that, as a matter of process here, that this item have a public hearing. My understanding is there is concern that this is identical to a measure that we have taken up before, but it is not. There are many changes to this, and I think it's important that these changes be reviewed by the members of the Taxation Committee, because of the huge tax implications this can have for the taxpayers of our state. I think this needs to be fully vetted. I understand the process for referendum questions, but I do think that it is important for us to be able to ask questions so that the public can have a clear understanding of what will be placed before them on the ballot. And so, that is why I do hope this body will vote to move this to Committee. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Yes, I concur with my colleague from New Gloucester. This is a huge bill, over 300 million dollars of taxpayer money, and it's not going through Appropriations, so I think this is something that really needs to be vetted. I think there's probably constitutional issues that we've seen in several other bills that have come forward, and I think that needs to be all vetted out. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. You know, I represent five towns that are situated right on the New Hampshire border. Just over that border in New Hampshire is zero income tax. My brother-in-law, who grew up in my district, went to Sacopee Valley High School, graduated from Maine Maritime Academy in 2008. You know, he makes a lot of money in the shipping industry, and guess which side of the border he lives on? One town over in New Hampshire. My cousin also graduated from Maine Maritime, grew up, went to Sacopee Valley High School. Guess which side of the border he lives on now? He resides just over the border in New Hampshire. He takes all of his tax money with him. Madam Speaker, this bill deserves a hearing. We need to ensure that this bill balances the tax impact on our citizens with its potential

benefits. I'm not too excited seeing any more of my successful constituents moving over the border and taking their tax money with them.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I live in Scarborough now, but I, too, grew up in poor rural Maine on the Maine/New Hampshire border, so I sympathize with the good Representative that just spoke. In Scarborough, we have a lot of business. We have a lot of small businesses. And this bill proposes a payroll tax increase. This is going to affect our small business owners with a tremendous tax increase, not only for the people that hit the threshold that's identified in the bill, but also for our business owners. They deserve to have the opportunity, the courtesy, of having a public hearing to express their views and be heard, and this is, at just the most basic level, something that we should strongly be supporting, is referencing this bill so it can have a public hearing. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. As the good Representative from New Gloucester indicated, there is some belief that there has been somewhat of a public hearing on a bill that was similar to; however, while maybe similar, it still is different. It has some different components. Also, the public hearing that happened on a similar bill, prior to, happened in the Health and Human Services Committee. The Health and Human Services Committee does not have the expertise nor the jurisdiction over taxes. This bill, as stated by the good Representative from Arundel, will raise taxes by 300 million dollars on the people of this state. Now, I could sit here and talk -- I could stand here and talk all day about the challenges that I see with what the bill seeks to do, with the creation of a board outside of state government to administer this topic, with the creation of the ability for that board to control the funding, the services rendered, the permissions for wait lists, of which we have tried desperately over the last eight years to reduce in this state, and reimbursement rates and wages. You know, this needs a more thorough public hearing. And, I just wanted to note as well that in the public hearing that a similar bill that has been referenced before had, there were three pieces of testimony on that. All three pieces of testimony were against the bill. Thank you.

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

Representative **AUSTIN**: Madam Speaker, Ladies and Gentlemen of the House, thank you. The one reason that I have heard repeatedly over the last few years, after session, for the flurry, I will call it, of referendums being passed from outside of the two bodies, is that the Legislature never acted. They didn't hear it, they didn't act. Well, I guess I'd have to ask you today, if we're not even getting this to a Committee, we aren't hearing this. And, for all the reasons that you have previously heard, unless it is vetted properly, I think it's very difficult for our public to understand the implications and certainly the strong impact, which 310 million dollars is certainly a strong impact to any economy and to our taxes. So, I believe firmly this deserves its day in court, and that's what we're here for; I thought that was part of our responsibility. So I would urge you to let this be assigned to a Committee. Thank you, Madam.

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

Representative **STETKIS**: Thank you, Madam Speaker. You know, it seems every day we hear from someone in this House about our youth leaving the state for better opportunities. I think there's no question that high taxes are a significant piece of that exodus. We'd be doing a grave disservice to all Maine taxpayers to not allow an opportunity to have all sides weigh in and participate in a public hearing on this bill. I've heard the number of 300 million dollars and, to myself, anyway, that's a significant piece of money. You know, unfortunately, in the past in these situations, without a public hearing, the special interest groups with the most money have a substantially larger voice at the ballot box and, quite honestly, they were not necessarily a hundred percent accurate with their information on what they were peddling. The citizens of Maine deserve nothing less than a fair, neutral, and factual fiscal analysis to base their vote on. We have a public hearing process for a reason. I think we need to pursue that, for sure, with this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in objection to the pending motion. This bill addresses long-term care for people living with disabilities and people over 65, no matter what their income level is, to be eligible through universal healthcare when they need assistance with activities for daily living. Maine has the oldest median age in the country, and we are living longer. This is costly care, and this is an issue that has been addressed at the national level. This is not an issue that is easy for a voter to understand at the ballot box. The issue needs to be assigned to a Legislative Committee. It needs a public hearing. It needs to be worked by the healthcare experts. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE**: Thank you, Madam Speaker. And I find us here, once again, in a situation where we have an 11-page bill that is so complex that most of us don't understand it until we reach a level of involvement with it that we realize the damage that we do to this state with these types of bills. We are arbitrary and we are capricious when we are putting a tax on a certain group of people, when we don't even realize what it is they're doing for the business state of Maine. I have personal colleagues from outside of this state that have continually asked me for the last 20 years, "Why are you guys like that?" And they're talking about us in Maine. Now, the point is is that the business climate is already difficult, and the impressions that there's going to be uncertainty, and things like this that are going to pop up, is going to continue to push us to the back of the list. We cannot live on taking our own money from each other every day. We have a very strenuous black-market economy in this state. Once again, we are asking the citizens of Maine to vote on something that's 11 pages, with just a yes or a no. It is not the democratic process. People need to be educated; they need to hear both sides. Without a Committee representation, with everybody having the ability to stand up and talk about what the implications are, we have literally proven that, with out-of-state money, we can drive something through that somebody just has to put yes or no. I'm fed up with it, and please, I hope we do the right thing.

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

Representative **TURNER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. We all represent 8,800 people, more or less, and I can tell you after visiting my district,

time and time again, people ask me, "Why do you not hold a public hearing? Why do you not get us more information, so that when we go to the polls we are better prepared?" So, today, Ladies and Gentlemen of the House, I felt it was very important to rise, make that statement, and I hope you will send this to the Taxation Committee. Thank you very much, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockport, Representative Casás.

Representative **CASÁS**: Thank you, Madam Speaker. I'll be voting in favor of sending this bill to Committee, but for reasons that are a bit different from some of the colleagues that have spoken before. To me, it's all about process. It's not about loving or hating this bill and all the different implications that come with it. It's about providing the citizenry with as much information as they can to make an educated decision, and I think that an informed citizenry is a good benchmark of the health of where we are as a society. So, I think that it's part of just the process, I think discussing these things openly and transparently do nothing but good things for the discussion that will go on between now and November. So, I have a little bit of a different take on why I would like to send this bill to Committee, but I think it's a good part of the process, and it allows both the opponents and the proponents to have their time to say what they love and/or hate about this bill. So, thank you, Madam Speaker.

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

Representative **SAMPSON**: Thank you, Madam Speaker, Women and Gentlemen of the House. We are elected to properly vet issues through a legislative process. With an issue which could profoundly impact the state, this needs a proper hearing. Thank you.

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

Representative **KINNEY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise and concur with our colleague from New Gloucester that this should receive a public hearing. It was just a year ago at this time, there was a possible tax increase in the winds, and House District 22 alone, I watched two different corporations pack up and leave, one headed to Michigan and one headed to Florida. The people who work at these places are still living in the district, but the people with the deep pockets and the finances left the state. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen. I concur with everything that's been said this morning, but mainly with what Representative Casás mentioned. We have a process. If we neglect to hold fast to that process, why are we here? Why is this elective body elected if we don't allow a process to be taken? And, you mark my word, Madam Speaker, Ladies and Gentlemen of the House, if this goes through, a 3.8% tax to local business -- I have two witnesses down here today that happen to be Vietnam vets, and they see the negative impact. If we let this go through, there's going to be more of an exodus in this state, and there's going to be unemployment, there's going to be school budgets that's not going to be funded; but I oppose this pending motion, and I honestly feel deep down that this has to go through the right process, and we've got to stand up for local business, and this will not be helping our local business. Thank you, Madam Speaker.

The **SPEAKER PRO TEM**: 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 come to my attention that this -- we have a proposal in front of us that, if passed, would in fact put us into the highest -- the number one spot, once again, in the country, in terms of our highest income tax bracket. Now, it's my recollection that a few months ago we, as a deliberative body, decided that that was a bad idea and a bad direction for the State of Maine. Now, maybe, maybe, maybe this is different. Maybe there's more information that we need. Maybe there are other unintended consequences of this bill, which, that term I hear pretty regularly in this building, but I think it particularly applies to the referendums, because they have not been vetted by anybody. They go out for the public to vote on, it could be a 30-page bill, there could be lines of text in the bill that are not necessarily conducive to what the bill is titled as, what it is aiming to accomplish. And, furthermore, Madam Speaker, I concur with a lot about the process; but the question in my mind is, why not? Why not send it to a Committee? Why not hear it here first, send it out, see what folks might have for input, engage, have more of the public engage. And so I'd like to pose that question through the Chair, because I have yet to hear a good answer to that question of why not send it to Committee?

The **SPEAKER PRO TEM**: The Member has posed a question through the Chair for anyone that cares to answer. The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in favor of the motion to refer this to the Tax Committee, and I have 310 million reasons why, and that's the amount of tax that we are talking about, a tax increase we are talking about putting on the state. And I rise also speaking for small businesses in my five towns in my district. They are being strangled right now. I've had some that already have closed their doors. This is a process that we need to do. We need to follow the process, we need to have a public hearing so everybody can weigh in on it, and then as a body, hopefully do the right thing for the people of Maine. We can't just let this go without having a public hearing. Thank you, Madam Speaker.

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

Representative **ORDWAY**: Thank you, Madam Speaker, my colleagues in the House. I rise to plead the case to send this to Committee. In my opinion, which I don't suppose counts for much except in my house, but -- this bill needs to be heard. It is our job, we are sent here to vet such tax increases, or even any bill. By just sending this along, in my, again, humble opinion, is bad governance. We're not doing the job we're sent here to do. There are going to be constitutional challenges to this bill. Why do we want to put the cart before the horse? Please, follow my light, send this to the Taxation Committee, let it properly be vetted. The people of Maine deserve no less.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative **PIERCE**: Madam Speaker, Ladies and Gentlemen of the House, I support this motion to refer this to Tax for a lot of the reasons that have been said, but what are our constituents going to think of us if we just do nothing with this and let it go to referendum? We are the Legislature. We legislate. We are supposed to take up these tough issues, and allow the citizens to have public hearings on this so they can voice their opinion, so they can be informed; not taking an 11-

page bill and put it out to referendum, with 13 or 14 words describing what it is, and saying yes or no. Are we legislators, or are we just going to let this go? It is about process. Please refer this to Tax.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, we're not here today to debate on the merits of this bill. I agree with my good friend, Representative Casás, that there is a process we must follow, and that process is that this bill should go to the Committee that has jurisdiction over taxation matters. That would be the Taxation Committee, Madam Speaker. We need to have a full public hearing so that we can have a good, vigorous debate here on the floor, but we need the information. We're not going to have any of the information we need without a public hearing. Thank you, Madam Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Norridgewock, Representative Farrin.

Representative **FARRIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It pains me a little bit to stand and say that I concur fully with the Marine from Rockport on this. It's not about the bill itself, it truly is about the process. In VLA, we talk a lot about transparency, and regardless of where you stand on this particular one, if you've already formed your opinion, folks, and Madam Speaker, I ask you to think about the amount of time that we have spent on ranked choice voting, on marijuana, on the 3%, on the minimum wage. I think this is the opportunity for us to do our job, have a public hearing on this particular bill; and speaking of ranked choice voting, I mean, the Secretary of State just put out a press release that it is in jeopardy for use in June in the primaries. Is that something that we could've avoided by having a public hearing and bringing some of the things forward before it goes to the voters? So, I would ask that you support referring this bill to Taxation and having it representing the people of the State of Maine. Thank you, Madam Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, yes, we need a public hearing on this bill, so that Maine people will know exactly what they're voting on in November, when they have a ballot question in front of them that boils down a lengthy statute. And Maine people certainly aren't going to get that accurate information during another dishonest referendum campaign financed by dark money from out of state. And I should add that there is no risk to the supporters of this bill by sending it to the Committee. It's not going to get derailed or voted down, not a single word of it's going to be changed. It's going to go to the voters exactly as it was signed by the petitioners. So, again, there's no risk to having a public hearing, and I can't imagine why anybody would oppose one. But another reason we need a public hearing is to find out more about the waitlists that are proposed in this bill. We already have 1600 elderly and disabled Mainers languishing on the notorious Medicaid waitlists, and I guess they're going to have to wait some more, because this body has other priorities. So the least we can do is to have a public hearing before this goes on the ballot. Thank you, Madam Speaker.

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

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. I support the pending reference motion, because it would allow for public input at a

public hearing from people like those at Homecare and Hospice Alliance of Maine. They are aware of Maine being the oldest population in the nation. They share concerns that our elder adults not eligible for MaineCare are forced to spend down their life savings to qualify for home-based care, or are placed into nursing facilities often far from their families. Their goal has been to work with the Legislature to improve the delivery of home-based care and Maine Care across all levels of service, and money alone will not fix the issue. We need to address the shortage of homecare workers, both professional clinicians and direct care workers, by creating more and better pathways for a career in long-term care. They believe working through the legislative process will yield the best results for their patients. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair would like to remind -- there are 14 members in the queue. The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I guess my question is, I ask, what are we afraid of if we let this go to referendum? And to put this out, because it is going to referendum no matter what happens, but why wouldn't we want the public to get their day to testify either for or against? I'm not saying whether the bill is good or bad, but this is about the process and we've all heard about --

The SPEAKER PRO TEM: The member will defer. The House will be in order while the member is speaking. Please proceed.

Representative **TIMBERLAKE**: Thank you. And I would say that it's about the process, and the process says that every one of our bills goes to a Committee for a public hearing. If I would've been working on a referendum question, I would ask that it go to a -- to the Committee for a public hearing. It's the right thing to do. I even put a bill in this year or last year that all referendum questions would be mandatory to a public hearing. What are we scared of to let the people hear what the bill is about, whether it be good, whether it be bad, anything in between. It can't be changed. It's still going out. I think the only thing to do is to send it to Committee and let the public and the people hear what we're doing in Augusta. Thank you very much.

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

Representative **COREY**: Thank you, Madam Speaker. I request permission to pose a question through the Chair.

The SPEAKER PRO TEM: The Member may proceed.

Representative **COREY**: Great. Does anybody know what the impact on Maine's small businesses that file S corps will be, and wouldn't having a hearing be the best way to find out? Thank you.

The SPEAKER PRO TEM: Representative Corey has posed a question through the Chair to anyone that cares to answer. The Chair recognizes the Representative from Bridgton, Representative Ginzler.

Representative **GINZLER**: Thank you, Madam Speaker, and thank you to the body. I'm rising in support of the motion. Madam Speaker, the reason is that I think it is extremely important that we vet the consequences, intended or unintended, of an additional 3.8% tax on income and wages. My district -- my district includes Bridgton Hospital. Bridgton Hospital is part of Central Maine Health System, and in the -- two years ago we had a similar unvetted referendum question raising taxes by popular vote, and the impact on us in our lakes region and in central Maine was on the ability to attract doctors. As a matter of fact, just the fact that that referendum

question was on the ballot, we had a situation where two long-sought-after doctors withdrew --

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Newport, Representative Fredette, and inquires why the Member rises.

Representative **FREDETTE**: Thank you, Madam Speaker. It's been said in this body that we should respect one another in our debates and in our comments, and it should be even more so in regards to people being present when we're speaking on something so important. I question whether or not there is a quorum in the body, and ask for a roll call.

Representative **FREDETTE** of Newport inquired if a Quorum was present.

The SPEAKER PRO TEM: The Chair will determine that a quorum is present.

The Chair declared a quorum present by observation.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Please explain to me what the measurement is, and what the determination that the Speaker is using to measure that.

The SPEAKER PRO TEM: There is clearly more than 76 people in this room. The Representative from Bridgton, Representative Ginzler, please proceed.

Representative **GINZLER**: I'll just very quickly complete my sentence, which is that we had a situation just by virtue of the fact that that referendum question appeared, that we had two long-sought-after doctors from out of state withdraw their acceptance to come to the hospital, and we certainly needed them. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in favor of referring this to the Taxation Committee, and if that doesn't happen, I beg a question. Is this the way we want to pass legislation, by citizen referendum? And, if so, why are we here? Why don't we just circulate signatures and ask do you want to do away with the Legislature? And I think that each one of us would have to agree, I happen to think that each one of us serve here to do good, thoughtful work in areas where we have strong knowledge, so that we may help people, not hurt them. I believe that people elect each one of us knowing that we come here to serve, to do the hard Committee work, to dig down on the issues, to know what a bill proposes to do, to have a public hearing for a bill, to work the bill, carefully considering all of the unintended consequences, and then decide Ought to Pass or Ought Not to Pass.

The citizens of Maine elect us to do this because they don't have the knowledge, the interest, the time to actually read the bill in its entirety and then make an informed vote that is in the interest of all Mainers. This is dangerous. This is healthcare. Each and every one of us needs healthcare. Our healthcare system is not only broken, it is outrageously expensive, and our Affordable Care Act reforms are not improving health outcomes and are not affordable. The U.S. spends nearly 20% of its gross domestic product on healthcare. This is more than double any other developed country, and our health outcomes are at the bottom of the pile. We need healthcare reform. We need a team of third-party bipartisan experts to turn our healthcare system around. This will take time. This will require public hearings, testimonies, work sessions. This is complicated stuff. Healthcare laws should not be determined by citizen initiatives in the ballot box. People do not know what they are voting for. I know I will be spoken to by some who will

tell me that I have insulted their intelligence. So be it. I will say it again. People don't know what they are voting for. I happen to care about healthcare and, yes, I am a health insurance agent. Maine just passed Medicaid expansion at the ballot box, and I said then, people did not know what they voted for. Today I run into people who tell me that they voted for Medicaid expansion because they wanted Medicare for all. These same people tell me they oppose Maine applying for the 1115 waiver because they object to work requirements. I scratch my head and, yes, my hair is falling out, I rub my eyes with tears. This is so sad. Medicaid and Medicare are two different animals. To be eligible for Medicare you must work ten years. Since work is the requirement, why would you oppose 1115 waiver. And lest any of us not forget, we still haven't figured out how we're going to pay for Medicaid expansion. If nobody is required to work, how on earth are we going to be able to pay for universal long-term care? Universal homecare will pay for activities of daily living, otherwise known as long-term care. This is a huge challenge, indeed. Your regular health insurance plan doesn't cover this care, nor does Medicare. There is a reason. It is really expensive. So expensive, in fact, that the Deficit Reduction Act of 2006 passed, saying that when it comes to long-term care, states need to come up with a way to incentivize people to purchase long-term care policies, for if they don't, they will have to spend down all their assets to their last \$2,000 and only be eligible for \$40 per month in income. I haven't sold a long-term care policy for three years. It's because they are so expensive. In fact, insurance carriers who offered long-term care policies stopped offering them because they couldn't afford to. Their actuarials determined this. Nobody is buying these policies, not because our economy is not doing well. They aren't buying them because our bloated healthcare system costs are taking way too much of our paycheck. They are crowding out everything else.

Individuals in Maine making over 400 percent of federal poverty level have seen double digit premium increases for the last three years. They have assets to lose and they don't want to go into Medicaid spenddown. They are trapped. And in this whole healthcare debate, they are overlooked. A person my age in Cumberland County, making just \$49,000 a year, between premium and hitting maximum out of pocket in claims, is being asked to spend 31% of their total income on health insurance and healthcare. That is insane. And now we have this bill coming before voters, and I hope we get a public hearing, imposing a tax on wealthy to pay for long-term care needs of every senior over 65 in need of care and under 65 that is disabled. I don't see any means test. Who drafted this language? Maine hasn't figured out how to pay for Medicaid expansion, and now we're asking voters if they want to do this, too? According to a study of the U.S. Department of Health and Human Services, 70% of seniors over age 65 will require long-term care. If the intent is to provide this care for every senior, the tax being proposed is not enough to fund the cost of care, and if people continue to argue against a work requirement for Medicaid, I don't know who is left here earning money to be able to pay for everyone else. When Maine offers this to every senior, we will have an influx of seniors moving into this state. There are just a few -- these are just a few of the unintended consequences that I have thought about.

Please, Fellow Members of this Chamber, this bill needs to go to a committee. It needs a public hearing. It needs a work session. Sending this straight to voters is a huge mistake that will cost Maine greatly. If insurance actuarials can't figure out a way to afford long-term care, how on earth can we expect that

Maine voters can make a good decision? Thank you, Madam Speaker.

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

Representative **SUTTON**: Thank you, Madam Speaker, Men and Women of the House. Taxes matter. All taxes matter, and the Maine people deserve to understand the potential impact. I echo the sentiments of my fellow legislators and ask that this be sent to the Tax Committee for a public hearing. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Harrington.

Representative **HARRINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House, or who's left. This is a \$300 million tax increase on hardworking Mainers. You know, I think we learned from the marijuana referendum what can come from terrible wording in these legislative pieces. You know, in that marijuana referendum, the people of Maine voted to allow children to use marijuana and, again, we had to fix it. So, what is wrong with sending this to a public hearing and giving the legislative process a chance to work out the bugs, and, again, this needs to go to Committee. Thank you.

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

Representative **DILLINGHAM**: Thank you, Madam Speaker and Members of the House. I rise in support of the pending motion in agreement with my Committee seatmate, the Representative from Rockport, that this needs and should be about the process. In the Veterans and Legal Affairs Committee over the past couple years, we've heard numerous times testimony citing the need for transparency, and I can see no better way for transparency than through our public hearing process. I ask that you support referencing this bill to the Taxation Committee.

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

Representative **HAGGAN**: Thank you, Madam Speaker. I also rise to send this to Committee. I live in a district with many successful businesses. The last time we had a significant tax hike, many people came to me, business leaders, and said they're going to have to find ways to eliminate staff or even move away. One multimillion dollar factory owner who has many employees had said that's it, I'm out of here. I'm an eighth-grade civics teacher. If this doesn't go to Committee, I'm going to have to tear chapter five out of my textbook, because in chapter five it says bills go to Committee. So, I would ask that this would go to Committee.

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

Representative **ESPLING**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would like to pose a question through the Chair, if I may.

The SPEAKER PRO TEM: The Member may proceed.

Representative **ESPLING**: My understanding is that at one point it was common practice for this body to send ballot questions to Committee for a public hearing, and my understanding has been that that practice has been sort of set aside in more recent years, and I'm wondering if anyone in this body knows of when we decided to do away with that practice; and might it be wise to start with this now, having this go to committee? Thank you.

The SPEAKER PRO TEM: The Representative from New Gloucester has posed a question through the Chair for anyone

that cares to answer. The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Madam Speaker Pro Tem. I think we need to keep -- go back to -- it's always I think important to go back to exactly what it is that we're -- the motion here today is about sending this to Committee. It's not about the pros and cons, it's not about how it will help a particular segment of our society, it's not about the negative impacts of what it will do to society. Today, the simple fact is, do we send it to Committee or not? It's not about a debate on the merits or the demerits, if you will, of the particular bill. And, while it's part of our process, it's not about -- that's not the decision today here. It's not whether it's a good thing or a bad thing. It's not about whether this is going out to public referendum, because it is, and no matter what the Committee, if it goes to Committee, and it goes through a hearing process, the language is not going to be changed, it's going to go forth as it currently is. So, it's not about taking it to Committee and, "fixing it," because that's not what the process is. So, the only question is: do we want to send it to Committee for a hearing, or not? Period. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Madam Speaker, Men and Women of the House. To me, the reality of this bill is it's not a 1.9% tax but a 3.8% tax, with the employer paying half of some sort of withholding mechanism. This will hurt Mainers and Maine's small businesses statewide. The circulators of this petition clearly misled the people who signed it. They claimed it would be a \$127 million tax increase, when truthfully, it's three times that, somewhere in the ballpark of \$310 million. I remind the body that the State of Maine continues to be one of the highest-taxed states in our nation. At the very least, this bill should be sent to Committee for a proper vetting process, with the public weighing in. Thank you.

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

Representative **SKOLFIELD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I support this and I also want to say that I agree completely with the Good Representative from Dover-Foxcroft, Representative Higgins. What we need to do is to follow process here in this chamber. You know, this is a republic. We voted years ago to make this a republic. It's not a pure democracy. There may come a time, technology may allow it to happen, when some of the younger people in this chamber today may be able to sit home on some kind of electronic device, and we could do away with this entire body, we could shut this body down, we can turn it into a museum; and maybe once a year, for a day or a part of a day, everyone can get on their electronic devices and go through the list of articles like a regular town meeting warrant, and press buttons whether they vote yes or no on each and every one of them. I hope that day never occurs, but that's the only way we can turn into a true democracy. We don't have a true democracy. We have a process that's called a republic, and we need to follow that process, and we need to do it today. Thank you, ladies and gentlemen.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

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

The SPEAKER PRO TEM: The Member may proceed.

Representative **SANDERSON**: Thank you. This may be the only public debate that this bill gets, covering only if it should be referenced to a Committee hearing or not, but

certainly not getting into the meat or the weeds of this legislative package. The Representative from Presque Isle posed a question through the Chair earlier. He asked why not, and there was no answer. I would like to invite someone who may be contemplating voting not to send this to Committee for a hearing to actually answer the question, because I think the public deserves to know.

The SPEAKER PRO TEM: The Member has posed a question through the Chair for anyone that cares to answer. The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker Pro Tem and Ladies and Gentlemen of the House. I'm actually glad that this has been brought forth by the people, because it's about time that we understood -- those proposing the cradle-to-grave welfare state understand and define what rich is. For years, we've been told the 1% and the rich were going to have to pay for this. And then we look at the number, and people all over our state are saying wow, I didn't realize how wealthy I'd become. Shouldn't those affected with their newfound wealth be given a chance to weigh in? We give criminals trials before we sentence them. Why can't we give law-abiding taxpayers a right to a hearing before their pockets are picked?

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

Representative **BRADSTREET**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise today in support of the pending motion. As I've been listening to the conversations and the testimony that has been given here today, I realize there's a lot of unanswered questions that this bill poses. What is the real cost of it? What are the effects going to be on small businesses? What are the effects of the people who live near New Hampshire going to suffer? We've heard there's been testimony against a previous but similar bill; what are some of the unintended consequences? The only way we can hope to get to those answers is to have a public hearing. In a situation like this, there's no way we can get too much information. This is a situation that virtually begs for a public hearing. Thank you.

The SPEAKER PRO TEM: The Chair will remind members to please take conversations out into the hall. Some members are having trouble hearing. The Chair recognizes the Representative from Brewer, Representative Craig.

Representative **CRAIG**: Thank you, Madam Speaker. You know, I represent Brewer, District 128, I'm very proud of that. And, if you take a chair in this room, you represent people as well, and this is about a process, and part of that process is to do your job. This needs to go to Committee. Thank you.

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

Representative **TUELL**: Thank you, Madam Speaker. A lot of people said a lot of things today, but one that really stood out for me was my friend from Rockport, and what he had to say about having a public hearing and why he was going to support it. And I got to say I agree with that, with his -- with that belief.

You know, we've had other bills come before us that need to have a public hearing. I haven't -- honestly, we had one this morning that I'm not overly wild and crazy over, earlier in the day, didn't really like it, but you know, I felt it should've had a public hearing, and I believe this one should too. Whether you like it or you don't like it, we should have that, and I say that as one who sometimes likes to be over there, and one that likes to be over here, and you never know where I'm going to be. I say

it that way. But, you know, this is the fair, honest, independent-minded thing to do, regardless of what side of the aisle you're on and regardless of what you may think of it. Honestly, you know, if you're for this, use it as an advantage to educate the people in support of why you feel the way you do. Get mileage out of it, so to speak. Same for those who are opposed to it. This is an opportunity to educate and enlighten our public. I used to be in the news media. I understand how the public process goes and, you know, sometimes you take what people have to say and you put it in print, and then let people form their own opinion. I think this is just an extension of that, and that's why I'm going to vote for this motion. Thank you.

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

Representative **ESPLING**: Thank you, Madam Speaker. I also rise to say that I do agree wholeheartedly with the good Representative from Dover-Foxcroft, Representative Higgins. I think we've heard a lot about the bill itself this morning, but this is about process, and I think part of having all these issues brought up just begs the question, you know, does this have merit? Shouldn't we have as many people weigh in on it as possible, in a transparent, public manner, give the experts a chance to weigh in, give government departments that will be impacted by this a chance to weigh in? I don't know if anything that's been said here this morning is true. I don't know if any of it has merit, because we haven't had a chance to discuss this in a public hearing, in the way that it should be discussed, and I think that's important. Please support this motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Thank you very much, Madam Speaker, colleagues of the House. I've been listening for some time here and I just have to remind my colleagues that this is a bill that was initiated by public referendum. We really have three choices with that bill. We can reject the bill wholeheartedly before we even talk about it, and there it goes out to the people for a vote. We can have a public hearing, we can learn about the bill, then we can make a couple of decisions. We can enact the bill, we could -- as written. We could put out a competing measure. We could look at the bill, and if it has merit or parts of it have merit, we could put that together, put it in bill form and send it out to the voters to compete with the initiated referendum; or we could reject the bill immediately at that point. I don't know what's right in this particular bill. I mean, I know what I've heard about the bill, I haven't read it. What I've heard about it scares me, but that's beside the point and this -- at this time, I really do think that we ought to sit down as a Committee, have some experts look at this thing and make a decision. We have not used a tool of the competing measure, to my knowledge, since we had a forestry bill back in maybe the 118th or 19th. So, maybe -- and I thought at that time it's a good tool, it helps us maybe correct some drafting errors or some mistakes that were put into the bills, and maybe we wouldn't get a bill passed that was so horrible that we spend -- like this marijuana bill. I mean, we've had I don't know how many people in that Committee, but we have a lot of people that have been working a lot of hours on it, and we still haven't got a bill yet before us to vote on. Thank you.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I believe also that, like

everybody else that's stood and spoke, that this bill does need to be referenced to the Tax Committee. To not do so is a disservice to the citizens of this state. To do so preserves the integrity of this body.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hollis, Representative Mearan.

Representative **MAREAN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I've been fortunate enough to serve three-quarters of a century on the right side of the earth, and I've lived all of my life here in Maine; and I've faced all challenges on a very simple basis of transparency and common sense. I believe that the best way to deal with this issue is exactly that. It's very simple, and it's a common sense solution, and it's the most transparent thing to do, and that's to send this bill to a public hearing. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Washburn, Representative White.

Representative **WHITE**: Thank you, Madam Speaker. I just rise to remind the House that last year we referenced the casino referendum to the Committee for the same process. I mean, this is the same thing, we're referencing a referendum to the Committee so we can have the opportunity to have public input and discover some important information around the bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wilton, Representative Black.

Representative **BLACK**: Thank you, Madam Speaker, Men and Women of the House. I wasn't going to rise and speak on this today, but I do rise and ask you to support the pending motion and send it to Committee. I think it needs to have a fair process. I think that the people in our districts and across the State of Maine need to know what they'll be voting on this fall, and they need to have the public hearing to get that information. Thank you, Madam Speaker.

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

Representative **HANLEY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The question about sending this to a Committee, the answer to it is yes. You can either do it now, or you will have to do it later, because of the unintended consequences we will have to deal with in a future session. There is no way you can get around that. Let's do the sensible thing and have a good look at this now. Thank you, Madam Speaker.

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

Representative **REED**: I've been waiting patiently, and I'd like to thank everybody here who's been waiting patiently, too, including you, Madam Speaker.

I rise to concur that this bill should go before the Taxation Committee and should be vetted properly. For 47 years of teaching school, I told the kids in my classes that everything went before a Committee and people had it where the hearings can be held and the people had their voices heard. So, if this is the process, this is what we should follow.

I am not opposed to helping seniors. I am one. I'm not opposed to helping those with serious disabilities, either. We have them on waitlists that I've heard about since I came here in 2012, and shame on us for not taking care of them, getting them off the waitlist. This is nothing more than another attempt by the Maine People's Alliance and their desire to redistribute the wealth in our state. Does anyone besides me believe that the Maine People's Alliance is now not attempting to push its own agenda upon this state by circumnavigating around the duly elected officials by the referendum process? When the

Citizens' Initiative was instituted sometime around the 1900s, I think maybe it was 1908, it was to be a grassroots movement for the people of Maine to enact legislation or let their legislators know their feelings on certain issues. And up until modern times, it had been used very sparingly. Since then, the Citizens' Initiative has been taken over by the Maine People's Alliance, the labor unions, the National Humane Society, George Soros, Mayor Bloomberg, and many others. I thought that we were opposed to big money deciding elections in our state. Wasn't that the purpose behind our clean elections? The people of Maine --

The SPEAKER PRO TEM: The Member will defer. Thank you. The Member will defer as well. The Chair recognizes the Representative from Kittery, Representative Rykerson, and ask why the Member rises.

Representative **RYKERSON**: I believe the motion is whether to refer to Tax Committee.

On **POINT OF ORDER**, Representative RYKERSON of Kittery asked the Chair if the remarks of Representative REED of Carmel were germane to the pending question.

The SPEAKER PRO TEM: There's been a lot of latitude in this conversation, and I ask that we continue to remain respectful of each other in this chamber. There has actually been a lot of comments made about that recently, and I would ask that everyone please abide by that very basic principle that we were all elected to fulfill.

The Chair reminded all Representatives to follow appropriate decorum in debate.

The SPEAKER PRO TEM: The Representative from Carmel, Representative Reed, may proceed.

Representative **REED**: The people of Maine had no idea that one day organizations would pay someone to sit on the street corner, overwhelmingly in one part of the state, and gather signatures at five, ten, or 15 dollars a clip. But this is what is happening, and we should be doing something about it. Some of us have tried to slow this process somewhat and make it more equitable, by requiring that the signatures at least be equally gathered throughout the state. But this idea had been thwarted at every turn, and we have been labeled as those who want to silence voters.

The Maine People's Alliance does not speak for me. I have no right to share in the wealth accrued by others without their consent. This is unadulterated socialism in the purest sense. It is a page out of some manifesto to create class warfare in this state, by causing more division between the wealthy and the poor. It is my understanding that this tax will raise more than 300 million dollars the first year alone, and more than 330 million dollars the second year, for a grand total of more than 630 million dollars over the biennium. This is a major tax increase on a segment of the Maine population, no matter how you look at it. This is a tax, once again, placed upon those who've worked hard to realize the American dream, and to ensure themselves of a decent income for their families. In my opinion, this is even worse than the 3% tax upon families making more than \$200,000 a year, which created great discord in this House. We spent the entire year last year fighting over five referendum questions. How can anyone feel good about selecting out a certain group in our state, that makes more money than we do, and just up and lay a tax on them? Sorry, I can't get there from here. I hope you'll give strong consideration of sending this bill to the Tax Committee where it could be vetted properly. Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House.

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

Representative **WALLACE**: Thank you, Madam Speaker. I don't often stand up. I like to listen to what's going on and make my mind up. You know, I'm kind of disappointed. All I've heard is this side of the aisle speak today. Nothing from the other side. I would like to hear at least one person to stand up and tell me why this cannot go to Committee, if there's anybody over there who knows why it can't. I don't know, maybe -- maybe they don't know. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lisbon, Representative Mason.

Representative **MASON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I support the pending motion. This bill, I believe, needs clarity, and we need to know everything that's in it, and I just think it's the right thing to do. Thank you, Madam Speaker.

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

Representative **STEWART**: Thank you very much, Madam Speaker, and Ladies and Gentlemen of the House. As I was listening to the discussion, I thought that a good point was made by one of our colleagues here, who's got a bit more institutional knowledge than me, and unfortunately is not here to -- so I won't talk about him anymore; but in regards to the competing measure that exists within the process, and what that means is that there's the potential that through the process, the legislative process, as it relates to referendums, that there could be a different avenue for the same measure, but in a better and/or more effective way. And, to me, that's a compelling argument to at least let it go through the process. Now, it may come out that this isn't the case, there may not be the need for a competing measure, but if there is, I think it's incumbent upon us to at least explore that. So that's the bare bones truth behind it, that -- and it could be on either side, you know, my colleagues on the other side of the aisle could find a more compelling measure that they would like to put on the ballot, as well; colleagues on our side of the aisle might. But, I think to skirt around that is only doing a disservice in this instance. Thank you very much.

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

Representative **MARTIN**: Thank you, Madam Speaker. To some degree, Members of the House, there appears to be two sides to the question and depending what day you're on. And people seem to have short memories. Because if people remember those that we have killed without going to Committee: rank voting, marijuana, minimum wage, the 3% education tax; and so the question before us is whether this should go to Committee.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Amherst and asks why the Member rises.

Representative **LOCKMAN**: Madam Speaker, I wish you would encourage members to address the Chair and not across the aisle. Thank you.

On **POINT OF ORDER**, Representative LOCKMAN of Amherst asked the Chair to remind MARTIN of Eagle Lake to address the Speaker and not turn to the rest of the House.

The SPEAKER PRO TEM: The Chair will remind all Members to address their comments through the Chair.

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

The SPEAKER PRO TEM: Representative Martin may proceed.

Representative **MARTIN**: Thank you, Madam Speaker. I was addressing the Chair even though my views may have been looking somewhere else. I will repeat what I said. 3%

education tax, we killed. It didn't go to Committee. Marijuana, didn't go to Committee. Rank voting, didn't go to Committee. Background checks did not go to Committee. The only one that I can remember that went to Committee was the casino for York County. Otherwise than that, they were indefinitely postponed by this body.

I understand the politics of why some people would like to say we need to get this there. I do not support the present referendum question that's before us now. I will oppose it when we go to the polls. But let's not confuse the two, and don't try to say that this one is different, and therefore should have a public hearing, while the others did not. You can vote either way you want to on that question, but don't confuse the facts, because that's exactly what some of you are doing, and we are all doing that right now. And so I would hope that we can proceed, when we have wasted now one hour of our time. We all know that whether it goes to the Committee or doesn't go to Committee, those who have spoken today would be opposing it. I also will be opposing it in public. But let's be honest about the motives of where we are today.

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

Representative **ESPLING**: Thank you, Madam Speaker. I do think it's helpful if we do not question motives or speak about motives in this body in the matter of debate. Thank you.

The SPEAKER PRO TEM: The Chair would remind Members to limit debate to the question that is before us.

The Chair reminded all Representatives to confine their debate to the question before the House.

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

Representative **TIMBERLAKE**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I think the Good Representative from Eagle Lake, Representative Martin, brings a very valid point before us. Maybe if some of the other referendum questions would've gone to the ballot box, we wouldn't have been in the predicament we've been in in the last two years, of working around ways with the marijuana bill, working with the 3% bill, and about every other referendum question that we're still tinkering with today. I think the one bill that did -- the one referendum that did go to Committee, when the public got all the information, voted it down. So, I think if there was anything today and any compelling speech made on the floor of the House, it was by Representative Martin of Eagle Lake, of why this should go to Committee, because I think it shows the true process that has to happen for all bills. So, please follow my light, and thank you Representative Martin.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Commit the Bill and all accompanying papers to the Committee on Taxation. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 545

YEA - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiaga, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrema, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Pierce T, Reckitt, Riley, Rykerson, Schneck, Sheats, Spear, Stanley, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Battle, Daughtry, Grignon, Hamann, Perry, Sanborn, Sherman, Sylvester.

Yes, 71; No, 72; Absent, 8; Excused, 0.

71 having voted in the affirmative and 72 voted in the negative, with 8 being absent, and accordingly the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **TAXATION FAILED**.

Subsequently, Representative **GOLDEN** of Lewiston moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: If you could just repeat what - so, what did he ask for?

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Golden, has moved that this item and all its accompanying papers be Indefinitely Postponed.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 546

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiaga, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrema, McCreight, McLean, Melaragno, Monaghan, Moonen, O'Neil, Parker, Pierce T, Reckitt, Riley, Rykerson, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Battle, Daughtry, Grignon, Hamann, Herrick, Nadeau, Perry, Sanborn, Sherman.

Yes, 72; No, 70; Absent, 9; Excused, 0.

72 having voted in the affirmative and 70 voted in the negative, with 9 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-688)** - Minority (5) **Ought Not to Pass** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Align the Criteria Used by the Maine Public Employees Retirement System in Determining Veterans' Disability Claims with the Criteria Used by the United States Department of Veterans Affairs"

(H.P. 365) (L.D. 521)

TABLED - March 28, 2018 (Till Later Today) by Representative GATTINE of Westbrook.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Madam Speaker, I stand in opposition to the current motion, and would like to speak briefly to my motion.

You know, we've all had constituents -- well, let me give a background for those who don't understand it. This proposal would allow people to receive -- would allow qualified veterans who have received a determination by the veterans service that they are a hundred percent disabled and retired to -- who are also state employees, and are qualified to apply for state retirement, disability retirement plan, to have the determination made by the Veterans Administration supplant or take the place of a determination made by using the current scheme that's been outlined in the statutes of the State of Maine. In other words, it would avoid having to file for benefits through two organizations.

You know, we've all had constituents or loved ones who had a debilitating condition and who apply for disability retirement, either through Social Security Disability, Workers' Compensation, the Veterans Administration, or, in our case, MainePERS, the administrator for our public retirement system. In my observation, this always involves a rather demeaning and emotional experience for those people involved. This bill proposes to substitute the process used today by the MainePERS, to replace the program for its members who are veterans and who qualify for VA disability retirement program. I think that is not a good idea. I have personally been involved with the VA since the early 70s. It has been my experience that the rules and processes and benefits used by the VA evolve over time. And why would they not do that? Veterans' needs change, politics change. So, today, while the proponents of this bill tell us that the process used by both the VA and the state systems are in alignment, that will change. So, that would really mean that the folks who administer our program have to continually check and verify that their system of determining when somebody is fully disabled, and the Veterans system, continue to be changed. So the VA changes something, we'd have to come back here and change our law to put it into alignment. It seems to me that's unworkable, and not necessarily the way we want to administer our own program.

My other observation is the major reason folks who are applying for disability retirement is stress, and the stress is -- this is regardless of what program they're applying for. And usually they've reached a point where they're under substantial financial pressure. Because of their disability, they've missed work. We have or will have -- we'll have the ability to remove some of this stress by supporting a bill that Representative Foley has sponsored, and I think it's gone through here, it's LD 176. This will make a temporary disability policy available to all our employees, and everybody should understand that currently the State of Maine employees don't have a temporary disability process. In other words, to get a benefit, you have to be 100% disabled and unable to perform the job that you're in. And that's an uncomfortable position to be in. But I do think it's simply bad public policy to create two separate evaluation systems to determine eligibility for a program, particularly when one of the programs does not control the benefit and the process of the other program. I think that the determination will help inform our system of their work. In other words, if somebody goes to the VA, is determined to qualify for their program, that paperwork, that process can be used by our system to inform it, but I don't think we should be mandated to accept that determination. I thank you, and I ask you to vote against the current motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Golden.

Representative **GOLDEN**: Thank you, Madam Speaker. I just wanted to take a minute to speak about this bill, and I do want to thank the sponsor, Representative Berry.

So, not too long ago, I worked on some legislation to establish a rebuttable presumption for first responders, and at the time, a lot of the testimony that we received from people talked about how when you have an at-risk population, a population that's at risk of a posttraumatic stress diagnosis, there's a good reason to go ahead and establish a rebuttable presumption that it's related to the work that they do. And one reason why I think this is particularly important for first responders, or for veterans, is because these also tend to be a population of people that are pretty tough, resilient, and proud, and often don't want to come forward and have these types of discussions in front of boards unnecessarily, or revisit tough issues.

Not too long ago, I met a photographer who came up to me and wanted to thank the Legislature for passing a rebuttable presumption for first responders, because he had actually been diagnosed with posttraumatic stress and had to fight for many, many months before he was able to get the benefits that were there to help him, and ultimately walked away from the job. He's now a freelance photographer. He said, "I want to thank you, I want to thank the Legislature for passing this, because I don't want any of my brothers or sisters to ever have to go through what I went through."

I think when we look at the story that helped lead to this bill, we see something very similar; an individual that had to go through incredible hardship in order to get the benefits that were coming his way. And one of the reasons why he was originally denied by MainePERS is they said that he was able to work, and I think that just comes from a general misunderstanding of the veterans population and what posttraumatic stress is. I think veterans are highly trained in containing their emotions, putting one foot forward and just plugging ahead. Often, it kind of hides what might be going on on the inside. And so when I think about this bill, what seems most obvious to me is that the veterans DVA disability claims specialists know the veterans population, they know