

ONE HUNDRED TWENTY-NINTH LEGISLATURE
SECOND REGULAR SESSION
18th Legislative Day
Tuesday, March 10, 2020

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

Prayer by Reverend Forrest Genthner, First Baptist Church, Livermore Falls.

National Anthem by Madeline Labonte and Sara Henderson, Spruce Mountain High School, Jay.

Pledge of Allegiance.

The Journal of Thursday, March 5, 2020 was read and approved.

At this point, the Speaker announced the presence in the Hall of the House of Representative O'CONNELL of Brewer.

At this point, pursuant to her authority under House Rule 401.1, the Chair assigned Representative O'CONNELL of Brewer to Seat 122.

At this point, the Speaker recognized the Representative from Brewer, Representative O'CONNELL and he was added to the Roll Call of the First Regular Session of the 129th Legislature.

SENATE PAPERS

The following Joint Resolution: (S.P. 769)

JOINT RESOLUTION RECOGNIZING MARCH 2020 AS BLEEDING DISORDERS AWARENESS MONTH

WHEREAS, bleeding disorders, which are distinguished by the inability to form a proper blood clot, are characterized by extended bleeding after injury, surgery, trauma or menstruation and can lead to significant morbidity and can be fatal if not treated effectively; and

WHEREAS, many individuals with hemophilia became infected with HIV and hepatitis C in the 1980s due to the contamination of the blood supply and blood products; and

WHEREAS, Bleeding Disorders Awareness Month will generate greater awareness and understanding of not only hemophilia but all inheritable bleeding disorders, including von Willebrand disease, which alone affects an estimated one percent of the U.S. population, or more than 3.2 million individuals; and

WHEREAS, Bleeding Disorders Awareness Month will foster a greater sense of community and shared purpose among all individuals with inheritable bleeding disorders; and

WHEREAS, Bleeding Disorders Awareness Month will elevate awareness of and engagement in the inheritable bleeding disorders journey for the general public, enabling the prevention of illness, unnecessary procedures and disability; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize March 2020 as Bleeding Disorders Awareness Month.

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

Non-Concurrent Matter

Bill "An Act To Define the Term 'Caucus Political Action Committee'"

(S.P. 654) (L.D. 1902)

Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in the House on March 3, 2020.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-391)** in **NON-CONCURRENCE**.

Representative STEWART of Presque Isle **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**: The Chair recognizes the Representative from Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker, Members of the Maine House of Representatives. I rise to oppose the motion.

Just a few minutes ago, we started today with the Pledge of Allegiance, that ends with the phrase "with liberty and justice for all." We do that every day. It's a reference to the Declaration of Independence that says that all men, all people, are created equal. When we pass legislation in this Chamber, every citizen, every voter, every legislator, everyone is equal in the eyes of the law. The problem with the Senate's version, forgive me, the other Chamber's version of this bill is the sin of omission. Where is the equality? There's some very serious unintended consequences in the seemingly innocent language in this bill.

During the work session on this bill, a defect in the definition was discovered. As written, it would reserve the privilege of forming caucus PACs to only a majority of members of an organized party in this Chamber. Interestingly enough, the largest voting bloc in the State of Maine is unenrolled. Thirty-five percent of voters who register to vote deliberately do so as unenrolled. And that choice is just as legitimate as joining a party. The freedom of association can also be the freedom not to associate.

In 2017, there were two members in this House that were unenrolled. Today, there are seven. Who knows what future Maine Legislatures will bring? Under this bill, any unenrolled members would be prohibited from organizing a caucus PAC by law. Although we could have solved this problem in work sessions, there were two objections. One, that adding unenrolled members needed a public hearing and, two, the unenrolled caucus had never had a PAC before so, hey, why start now.

On the first point, last Tuesday, this body wisely requested a public hearing of the other body by supporting a motion to send this bill back to committee. Today, it seems we're at a loggerhead. The necessity of a public hearing is being ignored by the other body. As for the second objection, Madam Speaker.

The **SPEAKER**: The Representative will defer. The Chair will just remind the Representative, and all Representatives, please do not refer to the actions of the other body.

The Chair advised all members that it is inappropriate to refer to the potential action of the office of the executive or the other body in order to influence the vote of the House.

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

Representative **ACKLEY**: As for the second objection, Madam Speaker, we have a new status quo. Because under current law, any and every caucus is able to form a caucus PAC. For two weeks, there's been a caucus PAC registered with the Maine Ethics Commission formed by the House unenrolled caucus. Now, personally, I'm not a big fan of PACs. In fact, if we wanted to do away with every caucus political action committee tomorrow, we could convene the House Rules Committee and make it happen in a heartbeat. That would be something I would support. This new unenrolled caucus PAC, Madam Speaker, has a whopping \$25 in the account. It exists to raise the awareness that Maine's Independent citizens, Independent voters, and Independent legislators deserve equal treatment under the law.

So, there are currently five caucus PACs in existence; two in the other body, three in the House. For some time now in the House, we've had three caucuses in reality; the Democratic caucus, the Republican caucus and the caucus of Independents and Tribal Representatives. Since 2017, the Independents have been holding open caucuses before each session day where anyone is welcome to attend. Folks might not be aware that 43% of all Independent State Legislators in the United States come from the great State of Maine. Although we don't always speak with a consistent voice on policy matters, what unites our caucus, Madam Speaker, is our belief that we can learn from each other, that we can educate ourselves, and that we can agree to be disagreeable, forgive me; we can agree to disagree without being disagreeable. That should put the "dir" in "dirigo," Madam Speaker, and give a glimmer of hope to citizens who wish to see a future of civility in political conversations in Maine.

So, the unintended consequences of this bill would be to disqualify only the unenrolled PAC; the only one dedicated to supporting Independents. All other party PACs would remain. As we contemplate this next vote, Madam Speaker, I think each member should take a hard look at three very basic questions generated by this bill. Questions like; do we believe that in this chamber each member is equal under the law? Should unenrolled members have the same right of association as every other member of this House? Should a Legislator be penalized for being unenrolled?

Madam Speaker, the citizens of Maine look to us to lead the way, and liberty and justice for only some is no liberty and justice at all.

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. 357

YEA - AustinB, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Denk, Doore, Doudera, Dunphy, Farnsworth, Fay, FecteauR, Foley, Gattine, Gramlich, Grohoski, Hickman, Hobbs, Hubbell, Ingwersen, Jorgensen, Kessler, Kornfield, MadiganC, MartinJ, MartinR, Mastraccio, Matlack, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Connell, Paulhus, Pebworth, PerryA, PerryJ, PierceT, Reckitt, Schneck, Sheats, Stanley, Stover, Sylvester, Tepler, Terry, Tucker, Warren, WhiteB, Zeigler, Madam Speaker.

NAY - Ackley, Alley, Andrews, Arata, AustinS, Bickford, Blier, Bradstreet, Bryant, Campbell, Corey, Curtis, Dillingham, Dodge, Dolloff, Drinkwater, Evangelos, Faulkingham, FecteauJ, Foster, Griffin, Grignon, Haggan, Hall, Handy, Hanington, Hanley, Harnett, Harrington, Head, Hepler, Higgins, Hutchins, Hymanson, Javner, Johansen, Keschl, Kinney,

Kryzak, Landry, Lockman, Lyford, Marean, MartinT, Mason, Maxmin, Millett, Moriarty, Morris, O'Connor, O'Neil, Ordway, Perkins, Pickett, Pluecker, Prescott, Reed, Riley, Riseman, Rudnicki, Rykerson, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Talbot Ross, Theriault, Tuell, Wadsworth, WhiteD.

ABSENT - Cebra, Costain, Daughtry, DeVeau, Roberts, Sharpe, Tipping.

Yes, 69; No, 73; Absent, 7; Excused, 1.

69 having voted in the affirmative and 73 voted in the negative, with 7 being absent and 1 excused, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, Representative **ACKLEY** of Monmouth moved that the House **INSIST**.

Representative **MOONEN** of Portland requested a roll call on the motion to **INSIST**.

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 Portland.

Representative **MOONEN**: Thank you, Madam Speaker. I want to clarify the position that we're in and then explain how I will be voting on this.

We in this chamber voted to send this bill back to committee. The other chamber has disagreed and has insisted on their disagreement. So, if we were to vote yes on this insistence, this bill would die between the bodies. I think that's a bad outcome because this bill came to us at the request of the Maine Ethics Commission, who felt that the law was not clear on what caucus political action committees are and that the law needed that clarity. I think it's really important that our voters understand what our campaign finance laws are, that we understand what our campaign finance laws are, and any time we can bring clarity to that, that's a good thing. And that is why I will be voting against insisting, because I think we should clarify our law and not let this bill die between the bodies. 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. Just to be clear on the position here, the other body can, and I know we're not supposed to be talking about the actions of the other body, but this is not the final outcome, there are other options available for folks if they sought to pursue them, one of which would, in fact, be to send it back to committee should there be a consensus around that. Thank you.

The **SPEAKER**: The Chair will clarify because I want to make sure that people understand what they are voting on and you have just seen a disagreement from the two corners. An insist motion and prevailing vote on the insist motion right now would mean that this bill does not continue to live beyond that vote. That is the result of a prevailing insist motion on this vote. The Chair recognizes the Representative from Bangor, Representative Schneck.

Representative **SCHNECK**: Thank you, Madam Speaker, Men and Women of the House. The committee put a lot of work into this. This is an ethics bill. It only defines what a political caucus is. So, I don't want this to die between the bodies, that might be where this is headed, but I hope you join me and follow my light; I will vote red.

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

Representative **ACKLEY**: Thank you, Madam Speaker. I appreciate the opportunity to speak to my motion and it's a

very simple reminder to the members of the body here that liberty and justice for only some is no liberty or justice for all.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Insist. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 358

YEA - Ackley, Alley, Andrews, Arata, AustinS, Bickford, Blier, Bradstreet, Campbell, Cloutier, Corey, Curtis, Dillingham, Dolloff, Drinkwater, Evangelos, Faulkingham, FecteauJ, Foster, Griffin, Grignon, Haggan, Hall, Hanington, Hanley, Harrington, Head, Higgins, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Landry, Lockman, Lyford, Marean, MartinT, Mason, Maxmin, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Pluecker, Prescott, Reed, Riseman, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Talbot Ross, Theriault, Tuell, Wadsworth, WhiteD.

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

ABSENT - Cebra, Costain, Daughtry, DeVeau, Roberts, Sharpe, Tipping.

Yes, 64; No, 78; Absent, 7; Excused, 1.

64 having voted in the affirmative and 78 voted in the negative, with 7 being absent and 1 excused, and accordingly the motion to **INSIST FAILED**.

Subsequently, Representative MOONEN of Portland moved that the House **RECEDE AND CONCUR**.

Representative STEWART of Presque Isle **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.

Representative ACKLEY of Monmouth moved that the House **RECEDE**.

Representative MOONEN of Portland **REQUESTED** a roll call on the motion to **RECEDE**.

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. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 359

YEA - Ackley, Alley, Andrews, Arata, AustinS, Bickford, Blier, Bradstreet, Campbell, Corey, Curtis, Dillingham, Dolloff, Drinkwater, Evangelos, Faulkingham, FecteauJ, Foster, Griffin, Grignon, Haggan, Hall, Hanington, Hanley, Harnett, Harrington, Head, Higgins, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Landry, Lockman, Lyford, Marean, MartinT, Mason, Maxmin, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Pluecker, Prescott, Reed, Riseman, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Sylvester, Talbot Ross, Theriault, Tuell, Wadsworth, WhiteD.

NAY - AustinB, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Denk, Dodge, Doore, Doudera, Dunphy, Farnsworth, Fay,

FecteauR, Foley, Gattine, Gramlich, Grohoski, Handy, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, MadiganC, MartinJ, MartinR, Mastraccio, Matlack, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, O'Connell, O'Neil, Paulhus, Pebworth, PerryA, PerryJ, PierceT, Reckitt, Riley, Rykerson, Schneck, Sheats, Stanley, Stover, Tepler, Terry, Tucker, Warren, WhiteB, Zeigler, Madam Speaker.

ABSENT - Cebra, Costain, Daughtry, DeVeau, Roberts, Sharpe, Tipping.

Yes, 65; No, 77; Absent, 7; Excused, 1.

65 having voted in the affirmative and 77 voted in the negative, with 7 being absent and 1 excused, and accordingly the motion to **RECEDE FAILED**.

The SPEAKER: A roll call having been previously 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. 360

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

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

ABSENT - Cebra, Costain, Daughtry, DeVeau, Roberts, Sharpe, Tipping.

Yes, 82; No, 60; Absent, 7; Excused, 1.

82 having voted in the affirmative and 60 voted in the negative, with 7 being absent and 1 excused, and accordingly the House voted to **RECEDE AND CONCUR**.

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

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