

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Thirtieth Legislature
State of Maine

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beginning at page H-200

Representative MORRIS of Turner **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-540)**.

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 Adoption of House Amendment "A" (H-540). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 229

YEA - Alley, Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Moriarty, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Poirier, Quint, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, Warren, White.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Griffin, Grignon, Haggan, Javner, O'Connell, Pickett, Prescott, Roche, Rudnicki.

Yes, 80; No, 57; Absent, 14; Excused, 0.

80 having voted in the affirmative and 57 voted in the negative, with 14 being absent, and accordingly **House Amendment "A" (H-540)** was **ADOPTED**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-540)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-243)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Instruction on the History of Genocide and the Holocaust"

(H.P. 150) (L.D. 215)

TABLED - June 2, 2021 (Till Later Today) by Representative **BRENNAN** of Portland.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-288)** - Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Change the Educational Requirements of Behavioral Health Professionals Providing Services for Children

(H.P. 1040) (L.D. 1424)

TABLED - June 3, 2021 (Till Later Today) by Representative **MEYER** of Eliot.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-288)** was **READ** by the Clerk.

Representative **MEYER** of Eliot **PRESENTED House Amendment "A" (H-532)** to **Committee Amendment "A" (H-288)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-288) as Amended by House Amendment "A" (H-532) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-288) as Amended by House Amendment "A" (H-532)** thereto and sent for concurrence.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food

(H.P. 61) (L.D. 95)

(C. "A" H-124)

TABLED - June 3, 2021 (Till Later Today) by Representative **DILLINGHAM** of Oxford.

PENDING - **FINAL PASSAGE**.

Subsequently, Representative **DILLINGHAM** of Oxford **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Oxford, Representative **Dillingham**.

Representative **DILLINGHAM**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I once again want to highlight issues I see with this proposal, and please understand I'm not trying to participate in any scare tactics but rather doing my due diligence to try and ensure we put forth fully-vetted proposals. Previously, we've heard testimony providing many examples of the importance for individuals to be able to farm, to provide for themselves and their families. I couldn't agree more. But we're not talking simply about a right to farm; we are talking about a constitutional change that states a right to food. I believe the intent of this proposal would be better suited to further statutory change versus a constitutional change. The right to food is already explicitly implied both in Maine Statute and the country's action as a signatory of the U.N. Declaration of Human Rights and their international covenant on economic, social and cultural rights. Statutes protect the delivery of this obligation with flexibility to respond to new scientific information, new threats to public health and changes to animal health. Constitutional rights are not law until the courts define the right through case law. The Committee on Economic, Social and Cultural Rights defines this delivery threshold through four basic

principles; availability, accessibility, adequacy and sustainability. The right to adequate food is realized when every man, woman, and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. That's from the Committee on Economic, Social and Cultural Rights, general comment number 12; right to food.

Maine Statutes protect and enhance the delivery of the state obligation with flexibility to respond to new scientific information, new threats to public health and changes to animal health and market availability. However, the amendment language proposed in LD 95 enshrines private property rights and personal choice rather than the established legal standard of adequacy of nutrition and sustainability of food resources for the future. The courts will make the final decision on a constitutional right to food regardless of legislative intent. They will interpret challenges to this constitutional right through choice and private property rights instead of the important standards in Statute currently, which accounts for dietary needs, taking into account a person's age, living conditions, health, occupation, sex, etcetera. Additionally, these Statutes help to make sure taxpayer-supported programs provide food that is safe for human consumption and free from adverse substances. As a result, school lunch programs that provide nutritional meals to students recently enhanced by the other Body through unanimous support of LD 1679, are likely to be challenged when the \$34 million a year investment fails to meet an individual's choice of food rather than nutritional adequacy. Our county jails and state prisons, who have already had litigation from inmates regarding food services, will be challenged to deliver inmate choice of food rather than nutritional needs or medically-recommended diet supporting incarcerated individuals' health at a significant expense.

The phrase other abuses of private property rights should be a concern. Again, where are the abuses enumerated? Who will decide and interpret these abuses? Again, I say we are leaving it to the courts to interpret without clear guidance. This has significant implications when applied to holders of legal patents on seeds. Such patent holders could also file a suit that their constitutional rights to their privately-owned genetic seed material belongs exclusively to them, and thus claim crops adulterated naturally by the material and grown by others for their own benefit. To date in the United States, 844 farmers have had lawsuits filed against them for growing crops that had been pollinated or grown from seed drift of patented biological seeds that belong to exclusive firms. Rather than protect Maine's farmer from this fate, which this, I think this is the intent, this amendment will have the net effect of opening up to constitutional violations when seed technology is found on a farmer's land without contract instead of the already-concerning liable for patent infringement rulings in 144 cases nationally.

Maine has a longstanding tradition of support of sporting camps that provide avid anglers and hunters the opportunity to visit our State and take a share of our wildlife, providing economic benefit to rural communities, and a measured harvest of animals on our natural lands that helps maintain a healthy and consistent herd. Such provision of licenses to nonresidents could be at risk of a constitutional challenge should the lottery system provide a license to a nonresident over a resident, reducing their choice and right to pursue the same wild game. The concern still remains; will a constitutional right supersede local ordinances that have been put in place by the citizens of a municipality for the health, safety, economic viability and wellbeing of the residents? Again, this will place municipalities in a position of having to litigate if and when challenged and

placing additional financial burdens on them. Whereas the unintended consequences of vague Statutes can be remedied the next legislative session by the people and those who they elect to the Legislature, the unintended consequences of judicial interpretation of vague constitutional language are costly to establish and difficult to correct. There is no threat to a right to food that cannot be remedied and improved upon by Maine's legislative Body. Individuals should be able to have an adequate diet without compromising another basic need such as school fees, medicines or rent. This amendment will divert available governmental resources to provide for the provision of legal services instead of food provision and protection. And I will say it again; I support the concept of this piece of legislation but believe the language needs to be more focused and that we should place this in Statute, have the ability to amend should the need arise, and then perhaps after having worked out any possible issues, have a discussion once again about whether this should be placed in constitutional change. I ask you please to not support enactment of this piece of legislation.

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

Representative **KINNEY**: Thank you, Mr. Speaker. May I pose a question through the Speaker?

The SPEAKER: The Member may proceed.

Representative **KINNEY**: Thank you, Mr. Speaker. I'm curious; what food are you prohibited from growing or producing?

The SPEAKER: The Representative from Knox, Representative Kinney has posed a question to any member who may care to respond. Seeing none, A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 230

YEA - Andrews, Arford, Bailey, Bell, Berry, Blier, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carlow, Cloutier, Collamore, Collings, Connor, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Dolloff, Doore, Doudera, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Evans, Faulkingham, Fay, Fecteau, Geiger, Gere, Gramlich, Greenwood, Grohoski, Hanley, Harnett, Hasenfus, Head, Hepler, Hutchins, Kessler, Landry, Lemelin, Libby, Lookner, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Poirier, Quint, Reckitt, Rielly, Riseman, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sampson, Sharpe, Sheehan, Skolfield, Stanley, Stetkis, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Thorne, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Alley, Austin, Bernard, Bickford, Costain, Dillingham, Foster, Gifford, Hall, Harrington, Hymanson, Johansen, Kinney, Kryzak, Lyford, Lyman, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Stearns, Theriault, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Griffin, Grignon, Haggan, Javner, O'Connell, Paulhus, Pickett, Prescott, Roche.

Yes, 106; No, 31; Absent, 14; Excused, 0.

106 having voted in the affirmative and 31 voted in the negative, with 14 being absent, and accordingly the Resolution was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-403)** - Minority (2) **Ought Not to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Maine's Harness Racing Laws Regarding Race Dates and Pari-mutuel Pools" (EMERGENCY)

(H.P. 1200) (L.D. 1611)

TABLED - June 7, 2021 (Till Later Today) by Representative O'NEIL of Saco.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, on motion of Representative O'NEIL of Saco, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-403)** was **READ** by the Clerk.

Representative O'NEIL of Saco **PRESENTED** House **Amendment "A" (H-546)** to **Committee Amendment "A" (H-403)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-403) as Amended by House Amendment "A" (H-546) thereto was **ADOPTED**.

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

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

Representative **O'NEIL**: Thank you, Mr. Speaker. This is a small language amendment to clarify the municipal approval provision of the bill.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-430)** and **House Amendment "A" (H-546)** thereto.

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 Passage to be Engrossed as Amended by Committee "A" (H-430) as Amended by House Amendment "A" (H-546) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 231

YEA - Alley, Andrews, Austin, Bailey, Bernard, Bickford, Blier, Bryant, Caiazzo, Cardone, Carlow, Cloutier, Collamore, Collings, Connor, Corey, Costain, Crafts, Craven, Crockett, Cuddy, Dillingham, Dolloff, Doore, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Evans, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Hall, Hanley, Harnett, Harrington, Hasenus, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyman, Madigan, Martin J, Martin R, Martin T, McCrea, McDonald, Millett, Moriarty, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Peabworth, Perkins, Perry A, Perry J, Pluecker, Quint, Riseman, Roberts, Roeder, Rudnicki, Salisbury, Sampson, Sharpe, Sheehan, Skolfield, Stanley, Stearns, Stetkis, Stover, Sylvester, Terry, Theriault,

Thorne, Tuell, Tuttle, Underwood, Wadsworth, Warren, White B, White D, Mr. Speaker.

NAY - Arford, Bell, Berry, Blume, Brennan, Brooks, Copeland, Dodge, Doudera, Geiger, Gere, Gramlich, Grohoski, Hepler, Hymanson, Kessler, Lookner, Lyford, Mason, Mathieson, Matlack, McCreight, Melaragno, Meyer, Millett, Morales, O'Neil, Osher, Pierce, Reckitt, Rielly, Sachs, Supica, Talbot Ross, Tepler, Tucker, Warren, Williams, Wood, Zager, Zeigler.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Griffin, Grignon, Haggan, Javner, Landry, O'Connell, Paulhus, Pickett, Poirier, Prescott, Roche.

Yes, 94; No, 41; Absent, 16; Excused, 0.

94 having voted in the affirmative and 41 voted in the negative, with 16 being absent, and accordingly under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-403) as Amended by House Amendment "A" (H-546)** thereto and sent for concurrence.

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

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-196) - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Reform Payments to Legislators by Political Action Committees"

(S.P. 514) (L.D. 1621)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196)**.

TABLED - June 8, 2021 (Till Later Today) by Representative DUNPHY of Old Town.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-196)** was **READ** by the Clerk.

Representative **PLUECKER** of Warren **PRESENTED** House **Amendment "A" (H-502)** to **Committee Amendment "A" (S-196)**, which was **READ** by the Clerk.

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

Representative **PLUECKER**: Thank you, Mr. Speaker. In the 129th Legislature, the term party PAC was defined by Statute and an unintended consequence of that was to exclude the unenrolled Members of this House from having access to the PACs that have that ability that is as defined by the party PACs. These abilities are such things as allowing to fund a recount election for clean elections candidates and some other things. This is a power that 146 Members of this House have, there's only five of us without it. So, this is a simple fix to a bill that passed in the 129th, making sure that everybody in this House has access to the same PACs. It's a fundamental equity that we should all share and I hope you'll follow my light or I hope you'll just follow me and let this go through so that we can all really be on equal footing when it comes to how we fund our elections and fund our recounts. Thank you.

Representative **DILLINGHAM** of Oxford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-502) to Committee Amendment "A" (S-196)**.