

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Thirtieth Legislature**  
**State of Maine**

**Daily Edition**

**First Special Session**

beginning April 28, 2021

beginning at page H-200

TABLED - June 3, 2021 (Till Later Today) by Representative MATLACK of St. George.  
PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Representative TUELL of East Machias **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

**ROLL CALL NO. 283**

YEA - Alley, Arford, Babbidge, 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, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Arata, Bradstreet, Grignon, Hanley, Perkins, Prescott, Roche, Sharpe, Tucker.

Yes, 82; No, 60; Absent, 9; Excused, 0.

82 having voted in the affirmative and 60 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

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HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-295)** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State

(H.P. 786) (L.D. 1057)

TABLED - June 3, 2021 (Till Later Today) by Representative MATLACK of St. George.

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

Representative TUELL of East Machias **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

**ROLL CALL NO. 284**

YEA - Alley, Arford, Babbidge, 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, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

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

ABSENT - Arata, Bradstreet, Grignon, Hanley, Perkins, Prescott, Roche, Sharpe, Tucker.

Yes, 82; No, 60; Absent, 9; Excused, 0.

82 having voted in the affirmative and 60 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-108)** - Minority (5) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Popular Election of Maine Constitutional Officers

(S.P. 288) (L.D. 874)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-108) AND SENATE AMENDMENT "B" (S-250)**.

TABLED - June 14, 2021 (Till Later Today) by Representative DUNPHY of Old Town.

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

Representative TUELL of East Machias **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative **TUELL**: Thank you, Mr. Speaker. The motion before us presents the Body with the opportunity to put out to the voters an opportunity to elect our constitutional officers with a plurality vote. That is to say, our Attorney General, Treasurer and Secretary of State. As a committee, we came together across party lines to achieve this result and I believe that it's something that Maine voters want and I believe they also would like to have a clean bill in doing so. That is why I'm rising in favor of the motion before us. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Bailey.

Representative **BAILEY**: Thank you, Mr. Speaker. I was opposed to the original version of LD 874 because I thought it fell short of what Maine voters have expressed multiple times at the ballot box with regards to their preferences for the process of electing their leaders. However, I believe in trying to find common ground. I believe in listening to those with whom I disagree because I have something to learn from them. And I believe in compromise, not in my principles, but of policy, in order to move issues forward. That's the job. It's the expectation of voters from across the political spectrum that they have for us. For these reasons, I now rise to switch my position and to speak in support of the pending motion, Ought to Pass as Amended. LD 874 as amended by amendments "A" and "B" is compromise between the wants of the original proponents and opponents of this legislation. The issue of direct election of constitutional officers has come before this chamber consistently over time. It's not new to this Body. And the idea of indirect election of constitutional officers is actually a foreign concept to voters in many states. In 43 of the 50 states.

Representative **DILLINGHAM**: Point of Order.

The **SPEAKER**: The member will defer. The Chair recognizes the Representative from Oxford, Representative Dillingham and inquires to her Point of Order.

Representative **DILLINGHAM**: I believe in front of us is the report with the Committee Amendment "A", I don't believe we adopted Senate Amendment "B" yet and I believe the Speaker is talking to an action from the other Body. Thank you.

On **POINT OF ORDER**, Representative DILLINGHAM of Oxford asked the Chair if the remarks of Representative BAILEY of Gorham were germane to the pending question.

The **SPEAKER**: The Chair would remind the Member that the question before us is the Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "A" Report. Therefore, the Committee Amendment that came out of the committee, the Senate Amendment, will be discussed should this report pass.

The Chair reminded Representative BAILEY of Gorham to stay as close as possible to the pending question.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Bailey.

Representative **BAILEY**: Thank you. In 43 of the 50 states, voters directly elect their Attorneys General. In 39 of the 50 states, State Treasurers are popularly elected. In 35 of the 50 states, voters directly elect their Secretaries of State. I understand the concerns of some of my colleagues about giving up the power to elect these offices. I also understand the position to others who strongly support direct election. After speaking with my colleagues on both sides of the aisle, it's clear to me the majority of voters across the aisle that are in between us, Mr. Speaker, on this issue, want the opportunity to vote on this bill and so, I'm going to support the pending motion. Thank you.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, I will be opposing the pending motion. Just briefly, a few minutes ago, we just defeated six pieces of legislation that are quite similar and do exactly the same thing that this piece of legislation is proposing to do. I would ask you, Mr. Speaker and Ladies and Gentlemen of the House, to follow my light.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I feel compelled because this issue has come before us many, many times. That I know Maine stands with a unique procedure in choosing our constitutional officers. But regarding election, which is before us here, I have to point out the danger of a person who is the highest law enforcement officer in the State of Maine having to solicit support statewide and the money that is involved there, even if clean election funds should become available, there are independent expenditures and I feel this is not something that is consistent with good government in the State of Maine. Thank you, Mr. Speaker.

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

Representative **ANDREWS**: Thank you, Mr. Speaker. I'll be brief. This is the peoples' house, the people should be electing their constitutional officers, not politicians. Thank you.

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

**ROLL CALL NO. 285**

**YEA** - Andrews, Austin, Bailey, Bernard, Berry, Bickford, Blier, Carlow, Carmichael, Cebra, Collamore, Collings, Connor, Corey, Costain, Dillingham, Dolloff, Doudera, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Grohoski, Haggan, Hall, Hanley, Harrington, Hasenfus, Head, Hepler, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lookner, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perry, Pickett, Pluecker, Poirier, Quint, Riseman, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, Warren, White, Williams.

**NAY** - Alley, Arford, Babbidge, Bell, Blume, Brennan, Brooks, Bryant, Caiazza, Cardone, Cloutier, Copeland, Crafts, Craven, Cuddy, Dodge, Doore, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Harnett, Hymanson, Kessler, Landry, Madigan, Martin J, Martin R, Mathieson, Matlack, McCreagh, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry, Pierce, Reckitt, Rielly, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tuttle, Warren, White, Wood, Zager, Zeigler, Mr. Speaker.

**ABSENT** - Arata, Bradstreet, Crockett, Grignon, Perkins, Prescott, Roche, Sharpe, Tucker.

Yes, 74; No, 68; Absent, 9; Excused, 0.

74 having voted in the affirmative and 68 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolution was **READ ONCE**. **Committee Amendment "A" (S-108)** was **READ** by the Clerk.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-108)**.

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 Gorham, Representative Bailey.

Representative **BAILEY**: Thank you, Mr. Speaker. I rise in support of this pending motion as well. I believe, as I said earlier, that LD 874 as originally proposed fell short of what Maine voters have expressed multiple times at the ballot box with regards to their preferences for the process of electing their leaders. However, Amendment "B" solves that problem, Mr. Speaker. I think the job of Representatives, in my view, is to try to find common ground and you can't always get what you want. But I believe in listening to my colleagues across the aisle.

Representative **GREENWOOD**: Point of Order.

The **SPEAKER**: The Member will defer. The Chair recognizes the Representative from Wales, Representative Greenwood.

Representative **GREENWOOD**: The Member is speaking on a Senate Amendment that is not before us yet.

On **POINT OF ORDER**, Representative **GREENWOOD** of Wales asked the Chair if the remarks of Representative **BAILEY** of Gorham were germane to the pending question.

The **SPEAKER**: The Chair will remind the Member that the question before us is Adoption of Committee Amendment "A".

The Chair reminded Representative **BAILEY** of Gorham to stay as close as possible to the pending question.

Subsequently, Representative **DILLINGHAM** of Oxford **WITHDREW** her **REQUEST** for a roll call.

Subsequently, **Committee Amendment "A" (S-108)** was **ADOPTED**.

**Senate Amendment "B" (S-250)** was **READ** by the Clerk.

Representative **TUELL** of East Machias **REQUESTED** a roll call on the motion to **ADOPT Senate Amendment "B" (S-250)**.

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 East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker. We all take great pride in our service to our committees. It's the cornerstone of our work. And working through issues in committees, we try to find some common ground, we try to find a way forward, we try to work things out. And in doing so, we settled on an agreement, moved that agreement forward and the bill went upon its merry way. The other Body chose a different direction.

The **SPEAKER**: The Member will defer. The Chair would remind the Member to not discuss the actions of the other Body. The Member may proceed.

Representative **TUELL**: Thank you, Mr. Speaker. I apologize. Here we find ourselves today with an amendment that was not agreed upon in committee, was not discussed or vetted or given a public process in committee nor, I would venture to say, would the vote have been the same had it been discussed in committee, speaking for myself only. So, I would encourage folks to reject the pending motion and send this bill to the other Body in nonconcurrency. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Bailey.

Representative **BAILEY**: Thank you, Mr. Speaker. Third time's a charm and I beg the indulgence of my colleagues, Mr.

Speaker I'm starting my speech over again. So, I was originally opposed to the version of LD 874 because I thought it fell short of what Maine voters have expressed multiple times at the ballot box with regards to their preference for the process of electing their leaders. However, I believe in trying to find common ground, as the Good Representative from Washington County mentioned, I believe in listening to those with whom I disagree because I have something to learn from them and I believe in compromise, not on my principles, but on policy in order to move issues forward. That's the job and I think the expectation that voters have of us. For this reason, I switched my position and speak in support of the pending motion, B, Ought to Pass as Amended.

LD 874 as amended is a compromise between the wants of the original proponents and opponents of this legislation. The issue of direct election of constitutional officers has come before this chamber consistently over time, as I've said before and a majority of states, a clear strong majority of states have a long history of electing their constitutional officers. I understand the concerns that some have raised to me about the power, where that rests in terms of electing Maine's constitutional officers. I also understand the position of some of my colleagues who feel strongly about direct election but would prefer a plurality outcome in these elections. After speaking with colleagues on both sides of the aisle and my constituents, it's clear to me that the majority of Maine voters are in the aisle between us on this issue, Mr. Speaker. They want the power to directly elect these officers but they also want to ensure that the winners are supported by a majority. I believe, as their Representatives, we should meet them in the middle. I ask my colleagues to support this bipartisan compromise, to dispense with this issue once and for all and allow the Maine people to decide if they want to directly elect their constitutional officers with majority support. After all, this is a constitutional amendment. It will go before Maine voters to make a final determination. I, for one, believe that voters are a lot smarter than they get credit for. After all, they sent all of my colleagues here, so, they must be pretty smart, Mr. Speaker. Let's give them the opportunity to decide upon this compromise amendment and let's move on rather than debating this issue for yet another decade. Thank you, Mr. Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of Senate Amendment "B" (S-250). All those in favor will vote yes, those opposed will vote no.

#### **ROLL CALL NO. 286**

**YEA** - Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Collings, Crafts, Craven, Cuddy, Dodge, Doudera, Evans, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Mathieson, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, Osher, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Talbot Ross, Tepler, Terry, Underwood, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

**NAY** - Alley, Andrews, Austin, Babbidge, Bernard, Bickford, Blier, Bryant, Caiazzo, Cardone, Carlow, Carmichael, Cebra, Cloutier, Collamore, Connor, Copeland, Corey, Costain, Crockett, Dillingham, Dolloff, Doore, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Faulkingham, Fay, Fecteau, Foster, Geiger, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, Matlack, Millett, Morris, Nadeau, Newman, O'Connell, O'Connor, O'Neil, Ordway, Parry, Paulhus, Perry,

Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Supica, Theriault, Thorne, Tuell, Tuttle, Wadsworth, White.

ABSENT - Arata, Bradstreet, Grignon, Perkins, Prescott, Roche, Sharpe, Sylvester, Tucker.

Yes, 60; No, 82; Absent, 9; Excused, 0.

60 having voted in the affirmative and 82 voted in the negative, with 9 being absent, and accordingly **Senate Amendment "B" (S-250) was NOT ADOPTED.**

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

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you, Mr. Speaker. What is the position of this, what position does this put us in? Are we passing Committee Amendment "A"?

The SPEAKER: The Chair would inform the Member that the House has Adopted the Majority Ought to Pass as Amended by Committee Amendment "A". The House has rejected Senate Amendment "B". Therefore we are engrossing the Committee Amendment "A" to the bill.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Well, I object. Can I get a roll on that?

Representative BRYANT of Windham **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-108).**

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 Amendment "A" (S-108). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 287**

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

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

ABSENT - Arata, Bradstreet, Grignon, Perkins, Prescott, Roche, Sharpe, Tucker.

Yes, 62; No, 81; Absent, 8; Excused, 0.

62 having voted in the affirmative and 81 voted in the negative, with 8 being absent, and accordingly the Resolution **Failed of PASSAGE TO BE ENGROSSED as Amended by**

**Committee Amendment "A" (S-108) in NON-CONCURRENCE** 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-528)** - Minority (4) **Ought Not to Pass** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Promote Oversight of and Competitive Parity among Video Service Providers"

(H.P. 676) (L.D. 920)

TABLED - June 10, 2021 (Till Later Today) by Representative BERRY of Bowdoinham.

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

Subsequently, Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **WADSWORTH**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I know the Representative from South Portland has good intentions with this bill, but I must oppose it for two reasons; it removes local control of community-access TV providers' capital spending and it raises fees on cable and streaming services. Imagine if you're Comcast and you own a streaming service that's called Peacock. These fees apply to your streaming service. However, if you're Netflix or Hulu, you don't own any capital investment, these fees don't apply to you. It's not fair. Mr. Speaker, join me, join the Maine State Chamber of Commerce in opposing this bill.

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

Representative **KESSLER**: Thank you, Mr. Speaker. Mr. Speaker, this is a very big and complicated bill with 31 different sections and so, I would like to read through each one to make sure that the chamber understands the bill. Just kidding. All right, okay. Mr. Speaker, this bill was brought forth because we have an issue with keeping community television alive. And as cable companies transition to services over the internet, community television has less revenue to keep operations going. So, when a company like Comcast switches from broadcasting over cable wires, which are regulated, to broadband or over the internet, which is not, what this bill does is change the definition to include those same companies providing similar services just under a different definition. If it walks like a duck and it talks like a duck, it's a duck. More importantly, though, companies like Spectrum have really taken smaller towns to task with their franchise agreements. They take advantage of the fact that your small towns don't have the legal resources to stick up for themselves. What this does is uses the power of our state government to help these small towns enforce the franchise agreements that are blatantly being violated and gives them the power of the Attorney General to enforce those franchise agreements. I hope you will follow my light and vote with me on this pending motion. Thank you.