

# MAINE STATE LEGISLATURE

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**House of Representatives**  
**One Hundred and Twenty-Ninth Legislature**  
**State of Maine**

**Daily Edition**

**First Regular Session**  
beginning December 5, 2018

pages 1 -

Bill "An Act Regarding the Sale and Release or Abandonment of Balloons"

(H.P. 692) (L.D. 937)

- In House, Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167)** on April 30, 2019.

- In Senate, Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - May 7, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **FURTHER CONSIDERATION**.

Speaker GIDEON of Freeport moved that the House **INSIST**.

Representative DILLINGHAM of Oxford **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: 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. 82**

YEA - Ackley, Austin B, Babbidge, Babine, Bailey, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrean, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Pierce T, Pluecker, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stearns, Stover, Sylvester, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Beebe-Center, Brooks, Cloutier, Daughtry, DeVeau, Doore, Grignon, Head, Hutchins, Ingwersen, Perry J, Riseman, Talbot Ross, Theriault.

Yes, 83; No, 52; Absent, 14; Excused, 1.

83 having voted in the affirmative and 52 voted in the negative, with 14 being absent and 1 excused, and accordingly the House voted to **INSIST**.

RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Alternative Signatures Made by Persons with Disabilities

(H.P. 1049) (L.D. 1437))

(C. "A" H-163)

TABLED - May 7, 2019 (Till Later Today) by Representative DILLINGHAM of Oxford.

PENDING - **FINAL PASSAGE**.

Representative MOONEN of Portland **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.

Representative HICKMAN of Winthrop **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, if the word physical was in this bill, I may support it, but it doesn't specify physical disabilities. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I have the same concern with this bill. As I mentioned in Caucus, my mother-in-law is suffering from Alzheimer's, my wife has her POA. I'm not sure that my mother-in-law would vote for me if she had the opportunity, but I do know that I would not expect my wife to cast a vote for her, for my mother-in-law, because she is mentally incapacitated. And that's the problem I have with this bill. Thank you.

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

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, if I may try to clarify; this Constitutional Amendment proposal has come to us from the Secretary of State because people who do not have hands that they can use cannot sign petitions, according to the Constitution. They can have someone else sign an absentee ballot for them, they may even have someone else sign some other document involved in an election, but because the way our Constitution is written, if you do not have hands that work, you cannot sign a petition for a referendum or a people's veto or anything like that. And so this amendment to the -- this proposal to amend the Constitution of Maine would allow for people with physical disabilities who are unable to sign, meaning they cannot sign, they do not have hands, this would allow for them to be able to do that by having someone else sign on their behalf. It's about hands and actual signatures. It was a unanimous committee report. It goes to the people for a vote if it passes the two-thirds threshold in both chambers. And for the people in this state who do not have usable hands, I humbly ask this whole body to vote green on this amendment. Thank you, Madam Speaker.

The SPEAKER: There are now six people in the queue.

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative **HANDY**: Thank you, Madam Speaker. I'd like permission to pose a question to the Good Representative from Winthrop.

The SPEAKER: The Representative may proceed with his question.

Representative **HANDY**: If this Constitutional Amendment is not passed by the Legislature and ultimately not passed by the voters, would people who have served in the Armed Services who've been the victim of IEDs be disenfranchised? Losing their most precious right to vote?

The SPEAKER: The Representative from Lewiston has posed a question to the Representative from Winthrop. If he is able to answer, he may rise.

Representative **HICKMAN**: Thank you, Madam Speaker. I rise to answer the question.

They do not lose their right to vote because they can still vote because someone can cast a ballot on their behalf. They simply lose their right to sign a petition to put something on the ballot. So, if you have no hands that work and you have served this country, you cannot sign a petition to put a referendum question on the ballot and in that case, they would be disenfranchised.

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

Representative **KESCHL**: Thank you, Madam Speaker. I am sympathetic to the issue of people without hands not being able to sign petitions. The way I've read the particular resolution is that's not just what it addresses, and if we could somehow get that narrowed down, then I could be supportive. Otherwise, I can't, and I vote no.

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

Representative **ANDREWS**: Thank you, Madam Speaker. Originally in VLA I voted for this because the intention to help those with physical disabilities was good. But looking back, I think to clarify, we should have language to stipulate that it is specifically for people with physical disabilities. I think we would get a lot of support from both aisles if we did that. Thank you.

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

Representative **SCHNECK**: Thank you, Madam Speaker. We didn't spend a lot of time with this but the existing definition of written petition states written petition means one or more petitions written or printed or partly written and partly printed with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of the circulator and that to the best of the circulator's knowledge and belief each signature is the signature of the person who's name it purports to be. What we've added to the Constitutional Article 4, Part Third, Subsection 20, is one line. This is it, this is in the definitions; written petition means one or more petitions written or printed or partly printed and partly printed with the original signatures of the petitioners, and this is the line that we've added, this is it, this is in the Constitution, except when the Legislature by proper enactment has authorized alternative signatures for persons with disabilities. That's the line. That's the change to the Constitution; one line. Thank you, Madam Speaker.

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

Representative **KINNEY**: Thank you, Madam Speaker. I was going to read the line and, as has been said before, I would be fine if this were defined that it was people without hands, but this is just persons with disabilities and that does go to the idea of people that are fighting various forms of dementia like Alzheimer's where they are not of sound mind and if someone were to help them sign a petition that they don't even know what they're signing I have grave concerns with that and that's why I cannot support this particular amendment to the Constitution.

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

Representative **DILLINGHAM**: Thank you, Madam Speaker. I think that many members of my caucus have tried make the distinction there isn't an issue with what the intent of this piece of legislation tries to accomplish in trying to assist those with a physical disability and trying to -- and giving them the opportunity to physically sign with the assistance of someone else a petition. The concern is actually in the

definition, which is very broad, of disabilities, and it doesn't -- we're not talking about just physical disabilities. The State definition of disability is quite broad and it would include folks with those suffering from dementia in far stages that, or Alzheimer's, that may not understand exactly what they're signing or having someone sign for them and what that petition would accomplish. Thank you.

On motion of Representative MOONEN of Portland, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

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### SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue To Strengthen the Marine Economy"

(S.P. 561) (L.D. 1705)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

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Bill "An Act To Ensure Public Notification of Air Quality Violations"

(S.P. 562) (L.D. 1706)

Bill "An Act To Ensure Accuracy and Reliability of Environmental Testing by Requiring Compliance Testing by 3rd-parties"

(S.P. 563) (L.D. 1707)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

**REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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On motion of Representative STEWART of Presque Isle, the House adjourned at 3:18 p.m., until 10:00 a.m., Thursday, May 9, 2019.