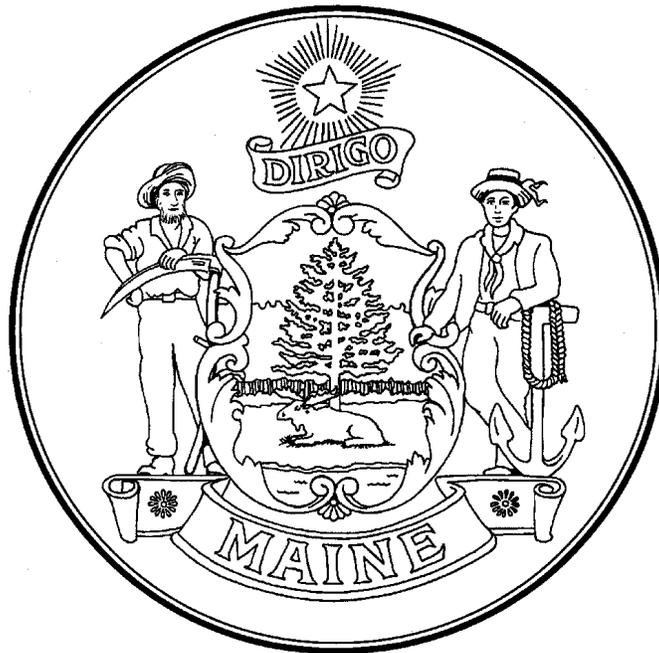


# MAINE STATE LEGISLATURE

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**Journal and Legislative Record**  
**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 Presumption of Abandonment of Gift Obligations"

(H.P. 1164) (L.D. 1612)

Sponsored by Speaker GIDEON of Freeport.  
Cosponsored by Senator LIBBY of Androscoggin and Representatives: BAILEY of Saco, DILLINGHAM of Oxford, HANDY of Lewiston, Senators: CARSON of Cumberland, DOW of Lincoln, KEIM of Oxford.

Committee on **JUDICIARY** suggested and ordered printed.

**REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent for concurrence.

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Bill "An Act To Authorize the Use of Autocycles"

(H.P. 1170) (L.D. 1627)

Sponsored by Representative BRYANT of Windham.  
Cosponsored by Senator MIRAMANT of Knox and Representatives: ALLEY of Beals, DUNPHY of Old Town, HEPLER of Woolwich, HICKMAN of Winthrop, PERKINS of Oakland, Senator: President JACKSON of Aroostook.  
Submitted by the Secretary of State pursuant to Joint Rule 204.

Committee on **TRANSPORTATION** suggested and ordered printed.

**REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent for concurrence.

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Bill "An Act To Enact Laws Governing Private Vehicle Rentals"

(H.P. 1167) (L.D. 1615)

Sponsored by Representative STANLEY of Medway.  
Cosponsored by Representatives: COLLINGS of Portland, MAREAN of Hollis.

Committee on **TRANSPORTATION** suggested.

On motion of Representative McLEAN of Gorham, the Bill was **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**, ordered printed 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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**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following items:

**Recognizing:**

the Falmouth High School Boys Nordic Ski Team, which won the Class A State Championship. Members of the team include Ethan Livingood, Nate Livingood, Vance Boyd, Ben Rooks, Marcus Goodbody, Jake Mitchell, Joe Dye and Charlie Geci; and coaches Kaitlyn Bernard and Ian Tovell. We extend our congratulations and best wishes;

(HLS 282)

Presented by Representative PIERCE of Falmouth.  
Cosponsored by Senator BREEN of Cumberland, Representative CROCKETT of Portland.

On **OBJECTION** of Representative PIERCE of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Pierce.

Representative **PIERCE**: Thank you, Madam Speaker. It is my great honor to welcome the Class A State Championship boys Nordic team to the State House today. I commend them for their dedication to their sport and their commitment to their fellow teammates. When you think about Nordic skiing, sometimes it can feel like a solace event, I bet, through the woods of Maine, but as a group they banded together and won the state championship and they will forever have that in their memory. It is great to have them here and I congratulate them on their accomplishments.

Subsequently, this Expression of Legislative Sentiment was **PASSED** 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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The SPEAKER: Just an announcement from the Chair as we move into our divided reports for today; a reminder of the rules of decorum on the Floor of the House during debate. As I anticipate that there may be items in front of us today with a significant amount of debate, please feel welcome to argue your points and policy matters with all of your facts and passion but please also remember not to impugn the character of any other Member of the body or to question the motive of any other Member of the body as we do so. And on that note, just to let people know in advance that I'll be monitoring that pretty strictly so do not be surprised if you hear me ask you to defer during the course of debate if we are unable to stick to those rules. And, again, a reminder to please direct comments towards the rostrum rather than towards your fellow Members. Your fellow Members are listening, I know, and with that the Chair would point to page 13 of the Calendar, reports of committees and first reading of accompanying bills and resolves, divided report.

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**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-120)** on Bill "An Act To Protect Maine Children and Students from Preventable Diseases by Repealing Certain Exemptions from the Laws Governing Immunization Requirements"

(H.P. 586) (L.D. 798)

Signed:

Senators:

MILLETT of Cumberland  
CARSON of Cumberland

Representatives:

KORNFIELD of Bangor  
BRENNAN of Portland  
DODGE of Belfast  
FARNSWORTH of Portland  
INGWERSEN of Arundel  
McCREA of Fort Fairfield

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

DRINKWATER of Milford  
 FECTEAU of Augusta  
 RUDNICKI of Fairfield  
 SAMPSON of Alfred

**READ.**

Representative KORNFIELD of Bangor moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **SAMPSON**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. So, as we launch into this debate, I would like to ask this question; what is the problem we are trying to fix with this piece of legislation and how does this bill actually fix it? We are actually targeting 5% of our population and specifically our little people, K-12. And these are individuals who have been previously identified because they have chosen not to consent to vaccinations. However, we need to specify what we are talking about here. This 5%, according to the CDC, and during the hearing we heard a number of physicians and the CDC themselves agree that this 5% makes up the following, and I think we need to understand this as we are deliberating this. First of all, they can be the fully vaccinated except they're missing one booster; does that mean they're unvaccinated? They could be fully vaccinated but opting out of one vaccination, for example the chickenpox varicella; does that mean they're unvaccinated? They could be on a delayed schedule; does that mean they're unvaccinated? And then there's the smaller component of parents that have signed off on the religious or philosophical exemption, like I did, because I was too lazy and I didn't want to spend the money to go see the doctor to get the updated vaccination record, and because it is in law that we can check that off, I checked that off and enrolled my child in kindergarten. So, those people, we don't even know how many of them actually have vaccinations.

So what I would challenge folks here, is that we are actually isolating, marginalizing, stigmatizing, and segregating a small portion of our population because we are concerned about the threat of the unvaccinated. This is a civil rights violation. We are violating the civil rights of these individuals. Quite frankly, this is un-American. We are violating bodily autonomy. We are threatening and coercing people into submitting their body to be injected when they object.

One of the discussions is about herd immunity. Well, the CDC tells us that herd immunity is established if we have 92-95% compliance, full compliance with vaccination. Well, Maine is one of the highest in the nation with about 95%. Remember what I told you about that 5%; they're not included in this but we already know many of them are vaccinated, so we don't have our facts right yet.

The other issue is the immunocompromised. Now, it's interesting that St. Jude's Hospital and any oncology ward, which is where the people have the most suppressed -- they're the most immunocompromised individuals, the guidelines for visitation in those locations, the hospital, St. Jude's, that entire organization, that entire facility, they instruct in their guidelines for visitations that if someone has had a vaccination recently, and they list a number of vaccines, they are not to come on the premises. That begs the question why. However, there is no mention of the unvaccinated. By the way, most of us in this chamber would fall under that category.

The other issue we need to be thinking about is the psychological impact. Maine is at the top nationally with a mental health crisis in our schools currently. So now we are entertaining legislation that could potentially expel 6,000 children, give or take a few thousand. How is that going to help our mental health crisis? Let's think about the fact that we are in a death spiral as a state. We need more people coming to this state. Yet young families who are looking at where they could go to have their families, they look at all these sorts of information -- this sort of information, along with a lot of other things, and I know personally in my district I have run into - just knocking on doors - five different families who have just moved here because, when I asked them, because of the freedoms you have in this state. These are young people transplanted from California and other states. This is going to slam the door shut on that because they're not going to be interested in this.

What about the fiscal impact? And I'd like to draw your attention to the yellow paper on your desk of the potential fiscal impact that it will have on this -- on our schools, and this is just K-12, this isn't talking about the universities, this isn't talking about the healthcare professionals that are going to be impacted. This is talking about just K-12, students that may not be coming to our schools, and if you understand anything about per pupil allocation, this is something you could take into consideration. So somewhere between zero dollars, which is basically what the fiscal note to this bill states, that this is going to have insignificant impact, up to maybe \$80 million impact. So we need to take that into consideration and you can look at your own towns in your district that would be impacted and the number of children. These are the 5% that I already talked about.

Finally, I'd like to just mention that there are many, many issues here that we should be considering before we issue this kind of legislation. We have not done our due diligence. We don't know the specifics about these 5%. For all we know, we could have 98% compliance in this state; we don't know and we haven't bothered to stop and think about how can we find that information out? I actually submitted legislation to entertain this but it was rejected. So I would like to have everyone think about this; why the sudden rush for all of this? There is no problem in this state. I've explained the issue of immunocompromised children and adults, and I would offer this; this isn't really about vaccinations, this is really about bad legislation and I would ask that you would oppose this measure, follow my light, vote red. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Tipping.

Representative **TIPPING**: Thank you, Madam Speaker. Madam Speaker, Gentlemen and Women of the House, please imagine that we are in a boat. That boat is leaking and almost filled with water. It would make sense that we would all want to grab our bail buckets and try and keep it afloat and, if after much hard work, the boat is nearly dry, you could forgive some of us for relaxing a bit. Some might even set aside the bailing buckets but, sure enough, the leak will eventually overtake us if we become complacent.

There's a reason that the Centers for Disease Control use this metaphor of a leaky boat to represent a community taking on the struggle of fighting infectious disease. It's a reminder that when our foe is a dangerous, intangible entity capable of putting our children's lives at risk, we are all in this together; in this room, in this building, in this state, in this country. The actions we take as individuals affect the lives of our neighbors. In this metaphor, the ultimate solution is to plug the hole. In reality, this can only happen when we work together as a

society to raise our immunity threshold to the point where a disease cannot take root and then keep it at that level until there is no source of that disease left to defend against. We have been successful in the past at achieving this goal, most notably with smallpox. But what we are seeing now is a rising tide of diseases that previous generations worked tirelessly to defeat and in my work on this bill, I realized that there is a generational divide when it comes to these diseases. When I talk to my peers about whooping cough or measles, some stare blankly, some shrug, some know nothing of polio except for the pictures of FDR. But when I discuss these same topics with people who, and I'm choosing my words carefully here, have earned the wisdom that only comes with experience, I get a very different reaction. I've heard many of these stories. Like what it felt like to hold an infant unsuccessfully gasping for air while in the throes of pertussis or what it was like to take care of a family member paralyzed by polio. I think it's safe to say that a growing number of people despite the considerable education campaigns and widespread access to public health may not see the value in continuing to bail out our little boat. I think it's also safe to say that the risk is more dangerous than just simply getting our feet wet. We are seeing the news reports from across the country over the last few months, from Clark County, Washington, to New York City, measles in returning in staggering numbers. Whether it's because of misinformation, fear, or indecision, people have withdrawn from the public effort to keep our communities floating high enough within acceptable community percentages to avoid catastrophe.

Madam Speaker, the bill before you is an attempt to reverse this trend and ensure that now and into the future our schools and daycares will be places where children can learn and grow without fear of serious, harmful, preventable diseases. This bill removes nonmedical exemptions to the decades' old immunization requirements for the institutions where our children spend most of their waking hours. It also tightens the exemptions for healthcare workers and daycare employees. As a matter of practicality, it grandfathers students who are both currently claiming nonmedical exemptions and are enrolled in individualized education plans.

The amended version of this bill goes a little bit further. It clarifies and strengthens the medical exemption to ensure that physicians, nurse practitioners, and physician assistants, the people who are the primary pediatric care providers to our children, can use their best medical judgement when determining whether a medical exemption is necessary. It makes it so that no legislative committee is deciding this for them. It's not written in rules in the Maine HHS or education rules, it's up to their best medical judgement.

The amendment also goes on to require more transparency; biannual reports from the Maine CDC on vaccine safety and efficacy for the current schedule. These reports will go to the HHS and education committees and allow those committees to report out legislation in response to information. It also clarifies that any changes to the list of vaccines be made through major substantive rulemaking, ensuring transparency and requiring legislative participation. The amendment also bumps out the implementation of the removal of nonmedical exemptions a full two years from the effective date of this legislation should it pass, allowing parents time to use an elongated schedule to meet the requirements.

These changes are necessary if we want to prevent headlines from Washington and New York from appearing instead on the front page of the Bangor Daily News. Headlines like Governor Inslee declares state of emergency; cost of

Washington measles outbreak tops \$1 million, expected to climb higher; measles outbreak, one student got 21 others sick. These headlines are particularly troubling for people who cannot be immunized whether due to illness or age. We have heard from many people during the course of the debate on this bill including parents of young children who, like my daughter, attend daycares where the only protection between toddlers who have established immune systems and infants who don't, is a half door or inches or feet apart at the lunch table. We have also heard from parents of immunocompromised or immunosuppressed children who will never achieve the immunities needed to protect them and instead rely on their neighbors' vaccinations in order to be in school at all.

I want to take a moment to say that one of the reasons we amended this bill - I proposed an amendment and the Education Committee moved forward with it - was that this decision should be made with the best interest of the child with all the knowledge of the primary care provider for that child, and it should be made with a physician acting in the best interest of that child to decide whether or not a medical exemption is right, and I think this amendment does that.

Before I wrap up, I just want to emphasize one point; we are all in this together, in this chamber, in this building, in this state. We must confront this issue as a state and not as individuals. I believe everyone who has spoken, the Representative from Alfred and everyone who will speak, does so with the best interests of their loved ones and their state at heart and I hope we continue to approach this subject with humility and civility. So, with that, Madam Speaker, I'll sit down. Thank you very much.

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

Representative O'CONNOR: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in strong opposition to this motion.

This bill has been sold as a public school vaccine bill. Make no mistake; it goes far beyond public schools. This bill removes the right to opt out of even a single dose of a single vaccine for every Mainer in every school, public or private, from nursery school all the way through every college and university, trade school, and even online charter schools. Every child in daycare must be fully vaccinated with a much more extensive vaccine schedule without the option to delay vaccines if their parents want to retain the ability to go to work. Every Maine baby born to working parents must be vaccinated at birth with hepatitis B vaccine, a disease that is transmitted through sexual activity and IV drug use. Have you had the three-shot hepatitis B series? How can you possibly mandate this for newborns? At a time when we can't even fill the positions we have with the shortage of healthcare employees, this bill will force thousands of them out of their jobs.

Every Christian parent who declines the vaccines made with aborted fetal DNA can no longer send them to their private religious schools. Every Jew, Muslim, and vegan who refuses even one vaccine for porcine or bovine ingredients or because they keep kosher or because they don't want liability-free projects injected into their children that contain monkey kidneys will no longer have the right to their religious or conscientious objection. Maine cannot afford to lose these valuable workers, the religious minorities targeted by this bill or the tens of thousands of children and adults who will be banned from a lifetime of education in this state. Dr. Ron Paul was clear when he said the rise of mandatory and forced vaccination legislation should send a chill up every American's

spine. That government can force you to accept any kind of medicine and inject you against your will is totalitarianism at its worst. This egregious form of state power is metastasizing and I beg you to vote Ought Not to Pass or against this motion and I request a roll call, please, Madam Speaker.

The same Representative **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 Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, the question before us gives a lot of us fear; fear for some of those that will happen if this is passed, fear by others of what might happen if it doesn't pass. I may be one of the few people in the room that have had multiple vaccinations for smallpox. When I was born, I think everybody in my generation has a badge of honor on their upper left-hand arm and that usually was good for life. However, when I was in my 20s, at Heathrow Airport in London, there was an emergency, a public health emergency, and nobody was allowed to leave the United Kingdom without an emergency vaccination. Imagine that governmental directive; no one could get onto the plane without being forcibly vaccinated first. It was to save lives. Even at that time, we had millions of people dying of smallpox. But four years after that event, the World Health Organization announced that they had eradicated smallpox in the country, but in the last 100 years of smallpox, between 4 and 500 million people died.

I grew up when polio was important. I had two friends who were crippled by polio. I can remember my mother not allowing me to go to the movie theater where the Portland Players now is, actually, in South Portland, because of a polio advisory.

Vaccinations have changed the world. You know, as a Social Studies -- person who spent his life in a Social Studies classroom, I had the privilege of being a student of history which included everything, including the effectory of disease on history, including the medical advancements that were made. But we know that smallpox exists in Egypt. It was instrumental in the fall of Rome, it was instrumental in the fall of the Aztecs to the Spanish conquerors, Tinochitlan. It was instrumental in the reason that Canada is not an American territory today is because the American Army was decimated by smallpox in 1775-76 and the British commander actually had his troops inoculated.

Inoculations did happen early on but, in my classroom at least, we mention the name of Edward Jenner. You know, so many people get credit for the work of those that came before them but what Jenner did in England was to scientifically approach the problem. Dairymaids had beautiful skin in England and it was because they had cowpox. And Jenner, you know, thought this fascinating and he took the cells from a cowpox lesion and gave it to a child - imagine being that parent. The child got sick but survived, and then Jenner gave at a later time the cells to the child again and he was not affected by -- and from there came governmental actions to protect the populations. At the time in the 1700s we were losing about 400,000 people a year to smallpox. And that was with a small population. And even among -- one out of three would die and one out of three survivors were blind. So, it was -- and it was a -- you know, it was a, what's the word, a marking disease, people were left scarred for life.

I leave to the medical people in the room the science in this discussion but my years in the classroom remind me of many students who had compromised immune systems. Our public health must be protected. The Maine Constitution says we have the responsibility to promote the common welfare. Article 1, Section 2, allows the people and by inference the people's representatives to make changes when our, quote, safety and happiness requires it. We are fortunate not to be living in the 18th century with Edward Jenner when they were facing the horrors of epidemic. But we have become complacent with this aspect of public health; vaccinations. Public health and those children we cherish in our public schools, are our responsibility. Their safety is our responsibility. I ask you to join me in supporting the motion in favor of the Ought to Pass Report. Thank you, Madam Speaker.

The **SPEAKER**: There are 15 people in the queue. The Chair recognizes the Representative from Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Madam Speaker and Men and Women of the House. This bill has the potential to cripple healthcare delivery as employees who will refuse to follow mandates seek employment elsewhere, creating more burden to understaffed healthcare facilities. Thank you.

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

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, I rise in opposition to this because it isn't giving us anything, it is actually taking away a freedom. The freedom of a mother and a father to choose when and at what level to vaccinate their children, something they have always enjoyed in this state from the very beginning. And a question I have is the children that are unvaccinated -- excuse me, that are vaccinated and they feel that they need protection to go to a public school, what happens when they go shopping at Walmart or go to the grocery store or go to church or a public event? Are we going to have gates they have to pass through and prove your vaccination there as well?

This bill simply isolates one place in society where you have to meet a government criteria, and that is a schoolroom. And you take away the rights of a mother and father to make these decisions; rights that they have always had. I ask you to follow my light and defeat this measure.

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, I rise to read a letter.

"My name is Tyler and I'm writing you today to voice my concerns about the vaccine bill that has been introduced to limit the religious and medical exemption. I would like to tell you my family's story in the hopes that you will consider us and others like us when you vote on this bill. First, I would like to say that I am not an anti-vaxxer. I am a college educated mother of six children and I went to school for midwifery and early childhood development education and I'm working on a degree in public health. I understand that vaccines are a simple and life-saving public health measure that has helped in conjunction with other public health initiatives to save lives and protect the interests of the public. I am the daughter of an anti-vaccinating parent. I was not vaccinated as a child but titers reveal I am immune to mumps, measles, chickenpox, and rubella. Though my mother did not vaccinate me because we are black Americans and hold clear memories of government

agencies and medical institutions harming our communities, please see the Tuskegee Experiment, the history of J. Marion Sims, the father of gynecology, and his slave, Lucy, for reference. Most of the people I know who are not vaccinating their children for philosophical or religious reasons are doing so because American history is riddled with active harm done to the unsuspecting public without our knowledge or consent. Unfortunately, mandated vaccines without the ability to opt out reinforces their suspicion in the government by removing their agency forcibly and removing their right to fair and appropriate public education unless they comply. This will not solve the problem of under-vaccination, it will increase the issue, lead people who were already suspicious of government entities to dig their heels in further and to go more underground, creating pockets of communities whose children lose access to healthcare, education, and potentially to appropriate intervention in dangerous situations, mental illness, and in situations where the community could provide structural supports. This unfairly and specifically targets those communities that are already struggling. Please see the backfire effect. But the backfire effect isn't the only issue. My family and I are very unique because we have a host of extremely rare genetic issues that have been formally diagnosed that raise the question of the safety of vaccines for us. The CDC has guidelines for medical exemptions as a starting point only, not as the be all and end all of a vaccine exemption. The way it is being interpreted in government, however, places it in an authority that does not consider the unique situations of each patient in regards to their healthcare. The vaccine guidelines and the medical exemption guidelines were never meant to be used this way and I find myself at every doctor's appointment fighting for our appropriate exemption because the political climate surrounding vaccines has become so reactionary and polarized that doctors and medical institutions along with lawmakers are being pressured to follow the guidelines like they are a rule list. Through nothing but luck, I wasn't vaccinated, and in adulthood I was diagnosed with Ehlers-Danlos, which comes with immune system problems and histamine reactions and a couple of other indicators that vaccines are more risky for my family than the general population. In addition, 10% of the people who are vaccinated do not develop immunity. For some reason, people with EDS don't develop immunity as a result of a vaccination, we have issues with injectable medication across the board but we are at risk for severe allergic reactions that can lead to death. Because this disease is so rare and not well-understood, along with the reactionary response to anti-vax movements, many of our doctors outright refuse to give us a medical exemption even though we clearly qualify for one and as a result we are forced to take a different exemption for school purposes. The last thing I would like to say is that the mechanism in which vaccines work and the sensationalism surrounding them is being vastly misconstrued in the media. Drastic action and government mandates are not necessary. The measles is a live vaccine and 200-600 cases are expected each year. Many of the current outbreaks in New York, for example, were initially construed as an unvaccinated person getting measles and spreading it that were later found out to be a normal and expected reaction to the vaccine itself. CDC releases data about vaccine-preventable statistics and illnesses each year and has a table about them from the 1950s on. The maximum amount of people who have died from measles is zero to two, more often than not, and the numbers of measles are dwindling each year. Our real risk and highest rate of death is actually in hepatitis cases, which we have

heard before today. Creating an environment and a state that steps in and forces a family to vaccinate does more harm than good across the board, I believe. These anti-vaccine communities should not be validated in their fear of the government, nor should their suspicions be confirmed by having their basic rights denied. The complicated situations that cause people to take an exemption are too varied for a blanket mandate and the removal of exemptions is too strong of an action for the current situation. Like a parent that is too strict, this creates a lack of trust between the caregiver and the child, the government will create more suspicion and distrust by forcing injections, increasing the issues we see. As I said before, I am not anti-vaccine and I approve of public health initiatives, but I have an intimate understanding of the logic that anti-vaccine communities have and I can speak on their behavior as well as accurately predict their actions. Instead of trying to force citizens to do as they are told, please consider public health initiatives that are designed to build trust and bridge the gap between citizens, medical professionals, and government in the name of the public's health. Doctors and governments who respect and validate the concerns of its citizens and work to prove that they are truly working toward a child's best interest and develop an atmosphere of nonjudgement, respect and trust are the best ways to win over the people that this bill is attempting to control. Remember that anti-vaccine groups and public health mandates both have the child's best interests at heart. Transparency is the only thing I have ever seen that will work in the long-term. People are watching this bill to decide whether or not they can trust their government to trust and respect them. Show them that this government is working for them."

And on that note, I give credit to the Good Representative from Orono who actually sent me this email knowing that I probably would find something in it that moved me, and I appreciate the work that the committee has done to improve the bill but I just wanted to share that with the floor of the House. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker. I rise today in strong opposition to the pending motion. I am not anti-vaccine. My son has all of his vaccinations, we just chose to delay them. I see this through a constitutional lens and protecting it is my chief responsibility as a legislator and as a combat veteran. Twelve-term congressman Ron Paul, an OB/GYN, said if the government can override parental or personal healthcare decisions, then what area of our lives is off limits to government interference?

This bill will expel Maine children from their society for religiously objecting to a single vaccine. This is government overriding bodily autonomy and forcibly creates a new minority in our state. My primary interest is to protect liberty and this minority does not consent to this invasive procedure. My body, my choice.

The verdict is still out on our new Mainers and with the Chief Executive's welcome home campaign, we still don't know how our Muslim neighbors feel about this. Talking numbers, an estimated 7200 students could be expelled from our schools, totaling \$80 million. Madam Speaker, this is an extremely odd way to get to 55% education funding. I urge my colleagues to protect liberty, property, and the freedom of association by opposing this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Ingwersen.

Representative **INGWERSEN**: Thank you, Madam Speaker. Madam Speaker, Women and Gentlemen of the House, after listening to 15 hours of testimony, after reading at least 30 pounds of written testimony and more, I truly believe that there isn't one person who gave written or oral testimony who doesn't care deeply for the wellbeing of Maine's children.

So, Madam Speaker, what I have had to do is look hard at the science, look hard at the medicine, and look very hard at the data. Are vaccines safe? Do vaccines save lives? And what I have found is an overwhelming yes. Why is this legislation needed? In 2004 and 2005, only -- just over 3% of Maine's kindergartners were unvaccinated for nonmedical reasons. In just this last year, nonmedical exemptions rose to 5.6%. In this last school year, vaccinations for measles, mumps, and rubella dropped to 93.8% statewide for kindergartners. These numbers are alarming because they are well below the approximate threshold level needed to ensure community immunity. Community immunity is the threshold immunity level needed to keep certain diseases from spreading and affecting those few children who have no choice, their parents have no choice to get vaccinated for legitimate medical reasons; cancer, organ transplants, or immunocompromised school children. There are only six states, Madam Speaker, that have higher opt-out rates than the State of Maine.

Madam Speaker, this legislation is not about civil rights, it's about what is our community responsibility in a civil society. We have a right and we have a choice to drive our roads freely, but we also have a community responsibility for the safety of others, hence our safe driving rules. Where there's choice, there is responsibility. We have a right in the choice to bear arms but we also have a community responsibility to operate and handle these weapons safely, hence our laws. Where there's choice, there is a responsibility. We have a right in the choice to a public education but we also have a community responsibility for the health and safety of our fellow students and fellow citizens, especially for those who have no choice and cannot receive vaccinations and they depend on community immunity for their health and wellbeing. Where there's choice, there's responsibility.

Madam Speaker, let us join the Maine Primary Care Association, the Maine Hospital Association, the Maine Medical Association, the Maine Osteopathic Association, the Maine Pharmacy Association, Maine General Health, the Maine Public Health Association, the Maine Schoolboards Association, the Maine Association of School Nurses, and the Maine Chapter of the American Academy of Pediatrics in supporting this legislation. Madam Speaker, let us join 33 other states that do not allow philosophical exemptions and still allow medical exemptions as an option for parents.

Enrollment; enrollment did not decrease in schools in other states with similar laws. For example, in 2015 California passed SB 277 which eliminated nonmedical exemptions for school required vaccines. In the subsequent years, they did not see a decrease in K-12 enrollment. In fact, they saw an increase. Madam Speaker, let us join the 21st century and please support LD 798. Thank you.

The SPEAKER: A reminder to Members to please direct your comments towards the rostrum.

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

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

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The SPEAKER: 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 opposition to the pending motion.

First, let me say that I, too, see the value in vaccinations. I had my own children vaccinated when they were young. I am a proponent of that. But I think what this bill does, though, is it impugns on the constitutionally protected rights of parents, parental consent and the religious rights. There are varying views on this bill, even within the healthcare community. Do we risk violating parental rights and consent which would be a huge signature step in the wrong direction on an issue in which there is so much controversy? I won't reiterate some of the items that have already been talked about here. What I would like to talk about just for a minute is some of the practical implications if this bill is passed. What's going to happen to the people who have voiced such strong opposition to it? And I thought reading part of the correspondence from one of my constituents says it better than I ever could, so I would like to read that, thank you.

The State of Maine as a whole will be negatively impacted if this bill passes. It is a well-known joke that Maine's number one export is highly educated young adults. Those who utilize philosophical and religious exemptions are overwhelmingly young, highly educated parents. Do we really want to further ostracize this demographic of people at a time when we are trying hard to attract them to this state? You will hear testimony from many people today, this was at the hearing, explaining that they plan to move out of Maine if this passes and for each of them there are thousands more like them across the state. They have no desire to leave this state, but for people who felt compelled by principle to utilize an exemption, this bill leaves them no choice. These are highly educated people, many of whom own businesses. They own property, pay a lot in taxes, and provide jobs for many others. The State of Maine cannot afford to lose these families. My wife and I hold multiple degrees, we own multiple properties, and we own a business that employs multiple people. We pay a lot in property tax, income tax, sales tax, and all the other enormous taxes in Maine. If this bill passes, like thousands of others we may have no choice but to leave the state we grew up in and wanted to raise our children in.

I think this is something we need to listen to. I hope we listen to this carefully and vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Swallow.

Representative **SWALLOW**: Thank you, Madam Speaker, Members of the House. I rise in opposition to this motion and I'll be brief.

No matter what one thinks about the merits of vaccination, it aims to force Mainers to submit to medical interventions to which they do not freely consent. If the State can forcibly inject its citizens against their will, there is no power which the State cannot reserve for itself no matter the impact on all of our civil liberties. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Brennan.

Representative **BRENNAN**: Thank you, Madam Speaker, Men and Women of the House. Eighteen and a half years ago measles was declared eliminated in the United States; not that we'd made a lot of progress, it was eliminated in the United States. A 2000 declaration by the Center for

Disease Control, measles is eliminated. Yet in 2014, we had 667 cases in this country of measles. So far this year, we've had over 500 cases of measles and outbreaks stretching from New York City and Brooklyn to California.

Here in Maine, children are three times less likely to be vaccinated than the national average, one of the worst in the country. One of the worst in the country. And this has happened even though the evidence is overwhelming that vaccination is safe and effective. In fact, some might argue it's unequivocal in terms of the prudence of having vaccination as a state policy.

I respect individual liberties. I support that. We debate that issue almost weekly in this chamber and throughout our committees. But nobody, nobody in this state has a religious exemption or a philosophical exemption that compromises the welfare or the health of children and families in the state. Now, the Education Committee spent days, hours, working with the sponsor of this bill to come up with a prudent compromise that protects the health and safety of children and families in this state. This is a good policy for the state, and I hope and ask everybody in this body to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: Thank you, Madam Speaker. I rise in strong opposition to this bill.

This bill is not about vaccinations. It's about bad legislation. This bill will do nothing to promote public health in Maine. All public health experts understand that mandates should only ever be entertained as a last resort. Mandates breed animosity. Let me say that again; mandates breed animosity and resentment between the mandator and the mandated. And they only ever reduce all of our individual liberties and, perhaps most importantly, mandates are woefully ineffective public health tools. This is because good public health always starts with respect, outreach, education, and engagement. Mandates undermine all of those foundations for effective public health programs. At best, this bill would increase school vaccination rates by expelling unvaccinated children from the school. But these expelled students will not vanish, now they will simply be ostracized, more remote from any real public health system that would seek to engage them and educate them and their families about the benefits of vaccination.

Proponents of this bill say there is a 5% unvaccinated rate in schools, but the way things are counted, someone has had -- if someone has had all but one shot, they are considered unvaccinated. There is no available data distinguishing the child who has gotten no vaccines and the child who has gotten all but one vaccine. This lack of understanding represents atrocious health public policy which always requires comprehensive data and robust positive engagement with any population that is thought to be influenced in a positive health direction. This bill will not advance public health in Maine, quite the contrary. Thank you, Madam Speaker.

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

Representative **AUSTIN**: Good afternoon, Madam Speaker, Men and Women of the House. I rise today in opposition of the pending motion not because I didn't choose to vaccinate my four children, not because my 12 grandchildren haven't had their vaccinations, but because we had a choice, both myself and all of my children for their children. And choice really is the operative word, folks. The elimination of the philosophical and religious exemption in this bill will force

many Maine parents to make very difficult decisions. A choice between a medical intervention that they are morally opposed to for their children and losing the right to educate their children in a school setting.

In my opinion, the threat of expulsion from school is the very bluntest of coercion, intended to override Mainers' body autonomy. Those that claim to prioritize body autonomy and freedom of choice are shockingly silent about the implications of this bill on those very principles. This is a power policy. If this bill passes, it will be a sad day in Maine for many, many parents, and actually for public education. Children are a gift, a reward from the Lord. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion.

This afternoon I had the privilege of sharing the words of my grandmother, and first I'd like to share that my grandmother is a life-long Republican, I think I'm the only Democrat she's ever voted for, and sometimes in the midst of friendly debate at home I question whether even that's the case. In all seriousness, I'm thankful that I've had the chance to learn from her experiences. I've long heard her share disbelief at news reports regarding the resurgence of diseases that were supposedly history.

When she heard about this bill, she submitted testimony for the first time in her life. Sometimes she's afraid to even go to the deli counter, so it was pretty surprising when she was interested in speaking up in support of this legislation. And here's what she had to say. I support the requirement that children get immunizations in order to attend school. I'm 78 years old. For those in my generation, we understand the importance of vaccinations. We all got vaccinated. I thought diseases like measles and polio would be gone forever. I had friends, a brother and sister, who both contracted polio. From the time that I knew them, they had to use crutches and probably did so for the rest of their lives. Seeing friends contract diseases like this really puts things into perspective. That's why for those in my generation we cherish the science and advances to inoculate against these diseases. Today, for whatever reason, parents are not having their children vaccinated at the same rates and some of these diseases are coming back. I would hate to see future generations inflicted with the diseases of the past and ones that might even be far worse. I urge support of this bill.

What my grandmother saw growing up, Madam Speaker, I hope to never see. And I'm thankful that I had the opportunity today to create some change, hopefully, at her behest. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chester, Representative Javner.

Representative **JAVNER**: Thank you, Madam Speaker, Men and Women of the House. I rise in categorical opposition to the pending motion.

The only guaranteed immunity is the immunity that vaccine manufacturers enjoy in not being sued. As long as this is the case, parents and individuals must be in charge of their medical decisions. Thank you.

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

Representative **SKOLFELD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise again -- I rise also in opposition to this bill.

This bill will create great financial loss to our colleges and universities. It will deny many first-time -- first generation seekers -- education seekers an opportunity to pursue their goals and thus negatively impacting their lives long-term. I believe this is a matter of the State stepping in to deny personal liberty and personal choice. Thank you, Madam Speaker.

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

Representative **MASON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand in strong opposition of this pending motion.

There isn't a day goes by when I don't get these pink slips on my desk, not to mention emails, the phone calls that I get in strong opposition. And even when I'm out and about in the great town of Lisbon, I have parents come to me, the mothers with tears in their eyes, asking me how can the State make us do this to our children.

If this bill passes, thousands of Mainers from all walks of life will leave the state. Faced with their children being expelled from school, many will see no alternative in leaving our state and I've spoken to several people in my town that are threatening to do this. These are not just idle words that I am saying. They will become refugees of odious law aiming to control what goes into their and their children's bodies. If this bill passes, many thousands more, young couples or parents who value personal liberty and vaccine choice will never move to Maine. They simply won't come. Among those who stay in Maine but are forced to homeschool, many families will lose their income of the homeschooling parent. This would create real financial hardships for many families and more likely need more state assistance. This bill will be a financial disaster in our state that can hardly afford such an enforced error. The consequences of this bill becoming law will be profoundly negative to our state. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Milford, Representative Drinkwater.

Representative **DRINKWATER**: Thank you, Madam Speaker. I want to thank you for your patience. I'm on the Education Committee with some great people and this bill has tortured us all. I personally believe in vaccinations. My children are vaccinated and all my grandchildren are vaccinated. But when I stood there and I heard stories from like Senator Foley losing his child after being vaccinated at a young age, and then I heard stories of other parents that their child has been injured because of vaccinations, and then I read where pharmaceuticals are exempt, obviously for such reasons. They've spent over \$4 billion settling suits because the government has set up a fund to protect the pharmaceutical companies.

So, to me, this came down to civil rights. And, you know, every morning that I'm in this House, and it's an honor to be in this House, I pledge allegiance to that flag and it's to the Republic. And in my Republic, we protect the rights of the minority. And then you think about okay, so we're going to deny them an education but yet we're going to allow them to play Little League, we're going to allow them on the soccer fields. So can we expect legislation to stop them from participating in outside activities? We're already at a 95% vaccination rate. Do we all wish it would be better? Absolutely. But I asked some of the people that testified what about adults? We are the biggest ones with the biggest problem because after so many years, unless you've had the measles and have a lifetime immunity, you need to get revaccinated. When I went into the military, we got every shot

known to man and we had to keep redoing it because there's a reason that it has to be updated. So are we going to deny parents the right to go into a school unless they show vaccination records?

So, for that reason, Madam Speaker, I look at this as a civil rights issue and I'm sorry I'm going to have to stick up for the minority. Thank you, Madam Speaker.

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

Representative **RECKITT**: Thank you, Madam Speaker. I rise hesitantly to speak today but I feel I must. As a biologist in my early 20s, I taught microbiology for a time. I studied viruses for a whole year in graduate school and, trust me, I worry that if -- that viruses change, they mutate. We may think we've solved a problem, we may not have. But more to the point of this bill, before my birth and before the development of the polio vaccine, my favorite aunt, who fortunately lived through the event, spent the better part of a year in an iron lung at Mass General Hospital. My grandmother went every day to see her. My mother and father were both afflicted with polio. My father had one arm and one leg smaller than the other, my mother had a permanently deformed foot. So when the polio vaccine was developed, the year after we -- of the polio epidemic that kept me in Maine for longer that summer, like many other people who lived in, you should pardon the expression, Massachusetts, we stayed in Maine longer to be safe. I couldn't go back to school because it wasn't safe. That experience scared me, scared my parents. The polio vaccine came out shortly thereafter. I had every blessed polio vaccine that ever was. I had shots, I had sugar cubes, I had liquids, I had every polio vaccine. My parents were terrified that I would suffer as they and my aunt had done.

I'm old enough, I'm scared to find out that I'm nearly the same age as Ryan Fecteau's grandmother, but -- and I had measles prior to the measles vaccine being developed. I had measles inside and out, on my tonsils which had to be removed, I went blind for two weeks, I could not see. Fortunately, I recovered, but after a month in a darkened room. Most of you know because I speak about it periodically, I have MS, and I was barred for a time from having the flu vaccine when it was first developed because of that. And then a few years later, I was allowed to be vaccinated again and I chose to do so and have every year since. In the recent months and years, I've had pneumonia vaccines, I've had shingles vaccines, I've had a TDAP booster in my 70s, but I struggle because I have three unvaccinated grandchildren. I love them and I fear for them and for their health. I also fear that they will leave school on account of this bill. My hope is that before September of 2021 when this bill would go into effect that my daughter will consult her children's medical providers for clarity and concerning possible medical examples that may be appropriate if she feels they ought be exempted.

So I struggled with this decision, but as a loving grandmother and the biologist in my psyche, I feel required to vote yes today. Thank you, Madam Speaker.

The SPEAKER: The Chair will remind Members when referring to another Member of the Body to refer to them as the Member from and to not refer to them by name. Thank you.

The Chair reminded all Members when referring to another Member of the Body to refer to them as the Member from and to not refer to them by name.

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

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Sorry for

standing up again. I've gotten a couple of notes asking me for a little clarification.

So, when I mentioned that I checked off religious and philosophical exemption, it's because I had the opportunity to. It was not that my child was unvaccinated, I was just too lazy to go to the doctor's, pay for the doctor visit to then get the vaccination records. So, I just want to make that clear just in case some people were interested. Thank you.

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

Representative **TUELL**: Good afternoon, Madam Speaker. I rise in opposition to the motion before us and rather than do a filibuster, as the Representative from Guilford has often accused me of doing, I'm going to rely on the wisdom of another school superintendent today, one whom you have met several times as we've chatted about education policy over the past few years, and one whom I respect greatly for leading me down the right path as far as education goes, more often than not. The following is from Scott Porter, who is Superintendent of Schools for 11 towns in the Machias area.

Mr. Porter writes; I am responsible for eight schools with a population of a thousand students. It is my job to ensure that all students in the towns I serve have access to a high-quality education that complies with all state and federal laws. That means all students in the towns I serve as well as all students in Maine have the right to come to a public school to be educated. If this bill becomes law, there will be students even in my rural part of Maine that will not be allowed to attend school, even though many of them have been attending school with their classmates for years. This type of law will completely disrupt the education of thousands of students from across the state. Families with limited resources that value the education their children are currently receiving will be required to remove their children from public schools and find alternatives for educating these children, their children. Many of their parents readily admit they don't have the skills or the resources necessary to educate their children apart from the public school system. Who will, then, educate them? These children will be put at great risk if LD 798 becomes law.

The current immunization law that is in place in our schools is working well. A high percentage of our students are immunized, with a small percentage of students opting out due to medical, religious, or philosophical reasons. There are some families that have been able to obtain medical exemptions but others have sincerely held religious or philosophical beliefs. Currently, the deeply held conviction of these children in their families are being honored by our great state, but LD 798 will change the tolerance that currently exists for differences in our belief systems.

Keeping children out of public school because of deeply held spiritual or philosophical beliefs is just wrong, and flies in the face of the liberties our country is known for around the world. This type of law would discriminate against a population of children that deserves to be educated like all other children in Maine, and I happened, Madam Speaker, when Mr. Porter was speaking that day in Education, I happened to walk by one of the rooms where people were sitting waiting for their turn to speak and I heard his speech, and he was being asked about what might happen practically if this law was to pass. And he - - some of the things he said, well, these kids they're still going to be able to go to peewee basketball games and other functions that happen on school property. How are we then going to deal with that issue? Are our schools essentially going to have to hire extra people to make sure that these children aren't mixed in with those that are vaccinated? Any --

it's concerts, it's a whole bunch of other things. So, that is one aspect of this whole thing that I find hasn't really gotten the attention it deserves, and that's why I'll be voting against the pending motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Tipping.

Representative **TIPPING**: Thank you, Madam Speaker. I apologize for rising a second time. I just wanted to clarify the amendment language around the medical exemption. I'm just going to read it straight. The parent of the child provides written statement from a licensed physician, nurse practitioner, or physician assistant that in the licensed physician's, nurse practitioner's or physician assistant's professional judgement, immunization against one or more of the diseases may be medically inadvisable. And it further goes on to say under rules, these rules must not include any provision governing medical exemptions.

The point of this was to make sure that in the issue from the Representative from Winthrop and others have brought up, the judgement of that medical professional who knows that child, who has worked with that child at well-child visits month after month is in a position to make that decision using their medical judgement, not a legislative subcommittee, not a rulemaking body somewhere else in the State. That's what the committee reads and I think that's what it should be in Maine law.

The SPEAKER: The Chair recognizes -- and the Chair will point out that there are five more people in the queue. The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion because I believe it's a matter of parental and guardian rights that we're addressing here today. No other issue that has come before this body has caused more input from constituents in my district than this particular bill, most of which were in opposition.

When I first received a wave of such contacts, emails and phone calls, I turned to my wife. My wife was 18 years a school nurse. She served as school nurse in our home district and also in two neighboring districts during that time. I also contacted the current school nurse in our district, actually two of them, one who has only been there for a couple of years and the other who was there following my wife's transfer to another district. One of these ladies had contacted me in favor of this bill. Now, all three of these registered nurses support vaccinations, vaccines for children. My wife made sure that our children were vaccinated and now that there are more vaccines that are required, my daughter and my daughter-in-law contacted her when the time came for them to make that decision. And in all cases, she recommended that they receive the vaccinations, although she did discuss some of the ramifications that might come from that.

When I discussed this with my wife and the other two school nurses, I asked them how has the current requirement affected your particular time as a school nurse? How many times have you had to deal with this issue? And in our district, looking back almost 30 years, and the other two districts while my wife was there, there were three or four instances and, again, this is in Central Maine, I understand it could be different in other areas, but there were three or four instances where unvaccinated children had to be dealt with when a particular issue came up, whether it was pertussis, the measles, whatever. And in the majority of those cases, the parents, having followed the same path as my good friend from Alfred,

the Representative from Alfred, had made the decision that they would not vaccinate their children based on a reluctance to take them to the doctor, not for philosophical, religious, or medical reasons, and they complied. Each of them felt that this was a very minor portion of what they deal with as school nurses and for those instances where it came up during that 30-year span in the school district in Dexter it was somewhat inconsequential.

I understand the importance of vaccinations and I support them myself, but I believe that we are infringing on the rights of our citizens when we mandate this. And I will leave you with this; all three of those school nurses allowed that if we could pass a bill that would outlaw headlice, they would have a lot better time at their job and it would give them back a lot of their time as opposed to vaccinations. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Madam Speaker. I think we may be addressing a little bit the wrong way on some of this today. We protect the people that make vaccines, they can't be sued, now we're looking at a way to make sure that we buy even more vaccines, where what we should be doing is requiring them to do a better job making vaccines. And that way, the benefits that come from vaccines, which are tremendous, I don't think people in the whole are going to argue that, but there are enough families that worry enough about this, and I assure you it's a lot of families that worry about this, that the way to bring them on board is to persuade the people that build the vaccines and make the vaccines and do all of the experiments to do a better job of it, so that more of us will want to have the vaccines. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Stonington, Representative McDonald.

Representative **McDONALD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise before you today in support of LD 798.

Immunizations are effective. Immunizations protect public health and prevent the reintroduction of infectious diseases. Immunizations protect our most vulnerable citizens and assure our children attend safe schools and live in safe communities. 16.7%, 22.2, 28.6, 42.9; these are just some of the concerning nonmedical exemption rates being claimed in public schools in Hancock County. Similar nonmedical exemption rates can be found in Sagadahoc, Somerset, Waldo, and Knox Counties. With nonmedical exemption rates this high in Maine's schools, it's not a question of will an outbreak occur, it's a question of when.

Compulsory immunization as a requirement to attend school is not a new idea. All 50 states have laws to this effect. These vaccine programs have saved millions of lives and prevented a countless number of people from suffering the debilitating effects of preventable disease.

In 1855, Massachusetts became the first U.S. state to pass a law mandating vaccination for school children. In 1905, in *Jacobsen v. Massachusetts*, the U.S. Supreme Court upheld the constitutionality of mandatory vaccination programs to preserve public health. In 1922, mandatory vaccination was upheld again when the U.S. Supreme Court dismissed a writ of error seeking exemption from compulsory immunization for school attendants under the 14th amendment. In the 1950s, the nation celebrated when the vaccine for polio was developed. The vaccine became mandatory for school attendants and polio originating in the United States was declared eradicated in 1979. In 2000, the federal government

declared measles eradicated. In 2019, the World Health Organization declared vaccine hesitancy a threat to global health and as of April 19th there have been 626 confirmed cases of measles in the United States.

Maine is vulnerable not only to measles but to the reintroduction of numerous preventable dangerous infectious diseases. This proposed legislation isn't forcing anything except a choice; a choice that parents who choose not to vaccinate already make. The choice is still theirs. But their choice is not without ramifications because their choice does not impact only their child. Their choice not to immunize also puts our most vulnerable citizens at risk; the very young, the elderly, the infirm, and those who are not medically able to be immunized. These citizens should be able to depend on safe schools and safe communities.

I support eliminating philosophical and religious immunization exemptions as a mean of protecting public health and keeping our children and our schools safe from the reintroduction of dangerous preventable disease. I urge you to please join me in support of LD 798.

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

Representative **DILLINGHAM**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I first want to make it clear this issue is not a partisan issue, and nor should it be. For many, it's not about the importance to vaccinate or not to vaccinate. I believe the majority here agree to the importance of vaccinations. It is about our civil liberties and governance over our own bodies. Do we want to give government the ability to mandate what is injected into our children's bodies or do we want to retain our choice? Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: Thank you, Madam Speaker. As I've sat here and listened to the debate today, the one thing that I haven't heard much of, or haven't heard anything of that we need to take into account in this particular bill is the nurses. This bill requires that nurses be vaccinated, that hospital personnel be vaccinated. During the work session, I asked a representative from Northern Lights Hospital what will happen to the staff that refuse to be vaccinated and she said to us they would be educated on the benefits of being vaccinated. I said yes, but what if they still don't want to be vaccinated. She said we will help them move into another position. And I said and if you can't? I basically got to the point where they would be fired if they are not vaccinated. So what this comes down to is we already have a nursing shortage in this state. We talk about it all the time. This will just make that worse. So, thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Madam Speaker. I wasn't going to stand up and speak but I did want to talk about the process of a medical exemption because I've dealt with that with my career. So, as a neurologist, people would come in with multiple sclerosis and oftentimes their medications would be new, and it was unclear if they should be vaccinated or not. So we would have a discussion about it. It was completely within my discussion with the patient and the decision between the two of us that we would come to a decision, yes or no, based on the best available science and data and their feelings around vaccines. So I never ever felt I was pushed one way or the other by a guideline, a policy, it was really all within a shared decision-making, so I just wanted

to make that clear. I'd also remind people that measles causes brain swelling, death, pneumonia; smallpox, deafness and sterility and death; and polio, paralysis. My mother's sister at four died in 1918 of the flu. Thank you, Madam Speaker.

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. 52**

YEA – Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Kryzak, Landry, Madigan C, Martin J, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Perry A, Pierce T, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stewart, Stover, Strom, Sylvester, Tepler, Terry, Tipping, Tucker, White B, Zeigler, Madam Speaker.

NAY - Ackley, Alley, Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Fay, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hickman, Higgins, Hutchins, Javner, Johansen, Keschl, Lockman, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Perry J, Pickett, Pluecker, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Swallow, Talbot Ross, Tuell, Verow, Wadsworth, Warren, White D.

ABSENT - Crockett, Cuddy, DeVeau, Doore, Faulkingham, Grignon, Kinney, Lyford, Martin R, Paulhus, Peoples, Theriault.

Yes, 78; No, 59; Absent, 12; Excused, 1.

78 having voted in the affirmative and 59 voted in the negative, with 12 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-120)** was **READ** by the Clerk and **ADOPTED**.

Representative SAMPSON of Alfred **PRESENTED House Amendment "A" (H-141) to Committee Amendment "A" (H-120)**, which was **READ** by the Clerk.

The SPEAKER: The Representative may proceed.

Representative **SAMPSON**: Thank you, Madam Speaker. This amendment preserves the religious exemption for vaccinations. Please consider the foundational principles of this country. We are a nation which has enjoyed freedom of religion, not freedom from religion. It is paramount we retain our religious rights. This is what this amendment proposes. Thank you. Oh, and I ask for a roll call, please.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-141) to Committee Amendment "A" (H-120)**.

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-141) to Committee Amendment "A" (H-120). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 53**

YEA - Alley, Andrews, Arata, Austin S, Bailey, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis,

Dillingham, Dolloff, Drinkwater, Fay, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hickman, Hutchins, Javner, Johansen, Keschl, Kryzak, Lockman, Marean, Martin J, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Perry A, Perry J, Pickett, Pluecker, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Talbot Ross, Tuell, Verow, Wadsworth, Warren, White B, White D.

NAY - Ackley, Austin B, Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Pierce T, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stover, Sylvester, Terry, Tipping, Tucker, Zeigler, Madam Speaker.

ABSENT - Crockett, Cuddy, DeVeau, Doore, Faulkingham, Grignon, Kinney, Lyford, Martin R, Paulhus, Peoples, Tepler, Theriault.

Yes, 64; No, 72; Absent, 13; Excused, 1.

64 having voted in the affirmative and 72 voted in the negative, with 13 being absent and 1 excused, and accordingly **House Amendment "A" (H-141) to Committee Amendment "A" (H-120)** was **NOT ADOPTED**.

Subsequently, **Committee Amendment "A" (H-120)** 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**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-120)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-122)** on Bill "An Act To Ban Native American Mascots in All Public Schools" (H.P. 699) (L.D. 944)

Signed:

Senators:

MILLETT of Cumberland  
CARSON of Cumberland

Representatives:

KORNFIELD of Bangor  
BRENNAN of Portland  
DODGE of Belfast  
FARNSWORTH of Portland  
INGWERSEN of Arundel  
McCREA of Fort Fairfield

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

DRINKWATER of Milford  
FECTEAU of Augusta  
RUDNICKI of Fairfield  
SAMPSON of Alfred

**READ.**

Representative KORNFIELD of Bangor moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative STEWART of Presque Isle **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 Greene, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Good morning to my fellow House Members; well, afternoon, now.

I am honored to have had the opportunity to serve in both the Senate and the House. I've worked hard to approach my work with thoughtfulness and integrity. I am speaking to you today regarding LD 944, "An Act to Ban Native American Mascots in Public Schools".

I am urging both my Democratic and Republican colleagues to vote in favor of LD 944, banning Native American mascots. This piece of legislation has been brought before this body and it is our duty to cast our vote responsibly. My fellow colleagues, I urge you to support the will of each tribal leader in this state, all of whom have made it clear they support the banning of Native American mascots.

This issue is deeply personal for me. I am the husband to a Passamaquoddy woman and a father to an indigenous son. Through my wife and son's life experiences, I witness and feel the pain caused by bias, stereotypes and racism. However, the pain I experience does not begin to compare to the pain many native people feel on a regular basis. The people who are in favor of their offensive mascots saying they are honoring their heritage and history. Let me describe to you what I have learned from my wife about honoring her heritage and people. Honoring translates into a commitment, a deep commitment to her people that results in positive action to make change. I watch my wife work before the sun rises and often far after the sun sets, working to change the conditions for native people in this state. This is honor. My wife teaches our son about their culture and language, building pride in his growing body.

We want to be -- we want our son to be proud for being native. His identity is important, his pride is important, his mental health is important. So I ask you to join me. Please vote in favor of LD 944.

We the Republican party, prides itself as the party of liberty and family values. Native people continue to fight for their liberty here in Maine and United States. It is time to do what is right. The party of family values; who's family, I ask you? All families, my family; it is time to do what is right. Indian mascots are one of the many ways non-native people have tried to empower themselves with all that they envy about tribal culture while at the same time ignoring persistent disparities native people face in education, health status, employment, and income. Embracing a stereotype robs everyone of their humanity. Understanding and respecting native people for all of who they are and have been, and who they are becoming and understanding and respecting ourselves as non-native -- as who we are becoming. That is where our mutual power lies, in the ability of all of us to define who we are for ourselves.

Let's do better for ourselves and especially for the native people in this state. Vote in favor of LD 944, "An Act to Ban

Native American Mascots in Maine Public Schools". Thank you.

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

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is an issue where we agree that the nation feel very disrespected and dishonored and that is something important to recognize and acknowledge. However, we also are a representative government and that, therefore, is an invitation to become engaged. If we want to change things at the local level, folks can get involved. Obviously, we've all chosen to get involved on a state level.

The issue here of the Native American mascots has been successfully addressed in every other school district that's had this issue throughout the state. Skowhegan is the last one to be dealing with this and they have recently successfully voted to remove the Native American mascot. The local schoolboards have the authority to develop these policies and so we should let them do the work that they have been given the authority to do, and I don't see that we as a State need to intervene on this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Skowhegan, Representative Austin.

Representative **AUSTIN**: Thank you, Madam Speaker. I rise today in opposition to the pending motion.

I want to see people of every background, culture, community -- and community honored for who they are. However, Madam Speaker, this is a bill directly targeting my community of Skowhegan and the surrounding towns. The mascot debate is a local issue and it should remain up to our schoolboard and district to decide what to do.

This bill only divides our community further at a time when our focus should be on coming together and healing. For that reason, I will be voting no on LD 944. Thank you, Madam Speaker.

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

Representative **STETKIS**: Good afternoon, Madam Speaker. I stand in strong opposition to this bill. It seems a rather modest bill on the surface but in my mind -- in my eyes, could be one of the most impactful votes any of us will ever take as representatives of the people. For anybody that has not read it, the bill reads a public school may not have or adopt a name, a symbol, or an image that depicts or refers to a Native American tribe, individual, custom, or tradition and that is used as a mascot, nickname, logo, letterhead, or team name of the school.

Let's think about this for a moment; may not have a name, symbol, or image. We're talking about many hundreds of words, expressions, and images that we could outlaw today. Is today that day that we as a government begin outlawing the free use of words or expression? The American Civil Liberties Union, a champion of free speech since 1920, tells us that freedom of expression comes at a price. It means putting up with people, ideas, and arguments that you may not like. In this room of 151 Representatives, each one of us have words or phrases or images in our own lives and in our own experiences that truly sicken us. Are we the 129th Legislature willing to gather together and assemble a list of words that we find offensive to ban as well? Why stop at just a few hundred words with this bill? If being offensive is all that is required to banish words, why don't we just go after all of them and be done with it?

Everyone who serves in this chamber has sworn to uphold the constitutions of Maine and the United States of America. Maybe we should be asking ourselves today if we even have the power to outlaw one or all of these words or images that some may find offensive. As a member of this body, if you disagree with suppression of speech, you must vote nay. As the great-grandson of a family of Lithuanian immigrants whose country was invaded by the Nazis and who murdered nearly a quarter million Lithuanians, you can just imagine how I might feel about the Nazi flag, a march, or a rally allowed on the very streets that so many escaped over the last century. In America, in a free country, we must protect even these groups' rights to assemble regardless of how repulsive we may find that they have -- what they have to say. We need not have to agree or support what they believe, but these rights must apply to even them if these rights are to be preserved for everyone else.

As a member of this body, if you support everyone's rights to assemble, you must vote nay on the motion on the floor.

Madam Speaker, as a U.S. Air Force veteran and the son of a Navy veteran who served in Vietnam, I am infuriated with the burning of our flag and to this day disgusted by the treatment of our Vietnam veterans and what they had to endure. But we as Americans, we have not stricken the words baby killers or images of the mistreatment of our military men and women from the public school libraries or classrooms. Instead, we teach history and learn from it. By protecting others' rights in burning our flag, it guarantees that each individual Mainer can fly whatever flag they choose to express their beliefs.

As a Christian, the symbol that the image of a crucifix submerged in a jar of urine is beyond words; beyond offensive. But we have and must continue --

The SPEAKER: The Representative will defer. The Chair will remind the Representative and members of the body to please keep your comments directed toward the bill and the report at hand.

The Chair reminded all members to stay as close as possible to the pending question.

The SPEAKER: The Representative may proceed.

Representative **STETKIS**: Thank you, Madam Speaker. Today we are debating banning symbols and images and words. What I'm referring to is a symbol and an image. What we have and must continue to as a free society protect the freedom of expression which is the very first amendment in our Bill of Rights, and we're required to do that.

U.S. Supreme Court Justice Benjamin Cardozo wrote in one of his opinions freedom of expression is the matrix, the indispensable condition of nearly every other form of freedom.

Madam Speaker, our public schools are not First Amendment free zones. These rights have been reinforced by the U.S. Supreme Court many times. One example was in 1969, the case of *Tinker v. Des Moines*, teenagers John Tinker, Mary Beth Tinker, and Christopher Eckhardt decided to wear armbands to protest the Vietnam War. The principals of the Des Moines school district asked the students to take the armbands off. They refused to do so and they were suspended from school. The students took this case all the way to the Supreme Court where they won seven to two because the Supreme Court thought it was violating their freedom of expression. An armband; a symbol of their expression in a public school was found constitutional even though it was offensive to others.

By no means am I suggesting that the use of the words like Warriors or Indians or Braves rise anywhere near the level of the clearly hateful speech or actions of the Westboro Baptist church members whose rights have been upheld by the U.S. Supreme Court more than once. But isn't that the point? All expression is protected. With this bill, we are clearly treading on dangerous ground. Is today the day that a totalitarian, heavy-handed state government will impose itself on a school district that uses a word that some disagree with?

Madam Speaker, if this bill was to become law and some rebellious community decides to violate this government's edict, what is the penalty? Will the funding to the school district be withheld? Will a schoolboard member, a superintendent, or a parent be jailed? Not very likely. So what is the purpose of a law that has no penalty for breaking it?

Not only is this a freedom of expression discussion, it is also a local control issue, as the Department of Education testified on this bill. As well as a letter sent to the SAD 54 schoolboard in Skowhegan by former Attorney General Mills on December 6, 2018 stating that this is a local decision.

Madam Speaker, just last week this body voted down a bill to ban non-constitutionally protected cellphones 112 to 26 largely based on a local control over public schools and here we are this week, considering banning constitutionally protected words and free expression from our public schools. I would hope the support for local control would stay consistent.

Madam Speaker, if we are also to support a local control, we must also vote nay on this motion.

I'm not sure that here in Maine we want to be the first starting to ban words and outlawing citizens' free expression, no matter how well-intentioned some may feel this bill is.

Men and Women of the 129th Legislature, please support freedom of expression for everyone and vote nay on the motion before us.

The SPEAKER: The Chair recognizes the Representative from Fort Fairfield, Representative McCrea.

Representative **McCREA**: Thank you, Madam Speaker, Men and Women of the House. I'm on the Education Committee with 12 other good members of this body, or of both bodies, sorry. And we listened and we listened long and hard about -- on testimony about this bill. We listened to strong, sometimes emotional, heartfelt and sincere testimony on both sides of the issue.

Madam Speaker, most of us in this body have strong allegiances to our high schools and their names and their mascots. In my opinion, if a group claims to honor a particular group and that particular group says in no uncertain terms that they do not, repeat, do not feel honored, then it is not an honor and, in my humble opinion, that should be the end of it. Thank you, Madam Speaker.

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

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in strong opposition to this measure.

This is a clear constitutional issue. The freedom to speak, write, print, whatever you want to call it; this is the number one foundation of our society. This is how we work. And no one is protected from feeling bad. I'm an Irish -- of Irish descent and Irishmen are constantly portrayed as little drunk leprechauns. Well, okay; I don't like it but would I promote any legislation to forbid that kind of character? Not at all, not at all. I'm also a devout Catholic. I can't tell you the number of times I've seen irreligious articles and pictures and ideas. Much as they disgust me, I would never introduce legislation to silence

voices I don't like, because my voice is next. This is a terrible piece of legislation and I ask you to defeat it.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Brennan.

Representative **BRENNAN**: Thank you, Madam Speaker, Men and Women of the House. Some might argue this is a local control issue. I don't agree.

This issue is so important, we can't leave it to individual communities to decide what they want to use for Native American imagery or mascots. It's incredibly important and it's a significant issue for the State to step forward and say that that type of activity, that type of imagery is not acceptable. That's what this bill does. It's not an infringement of local control, it's a statement of what the State finds acceptable or unacceptable in terms of Native American imagery.

Secondly, this is a civil rights issue. Every child in this state, every child, should be able to go to school and not have their heritage trivialized or mocked. That's what this bill does. And, lastly, it's not the most significant part of the bill and probably won't be debated too much here, but the bill also goes one step further and says that the university and community colleges cannot use imagery or symbols, or have mascots that reflect Native American heritage. I think that's an important step for the State, I think that's an important statement by the State, and I hope everybody will join me in supporting this resolution and the pending motion.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: Thank you, Madam Speaker. I rise in opposition of this bill.

It's about local control and freedom of expression. This bill is too expansive. If this bill passes, many school names will have to be changed, like the Indian Islands School, whose mascot is an Indian, Skowhegan High School, Messalonskee, Nokomis, Maranacook, Madawaska, Piscataquis, Medomak, Sacopee Valley, Carrabec, Massabesic, Penquis; those are just a few that I was able to pull up really quickly.

I want to leave you with an email that I received and it says a lot. I'm going to quote it completely. "My name is Betty Lepage. I've been a resident of Skowhegan for 35 years. I am a full-blooded Passamaquoddy. You've heard from my oldest daughter, Katherine Labron a few times about how we both feel. I want you to know that I'm not against or offended by the name or imagery. I would like you to keep the name Skowhegan Indians. I am proud to be from Skowhegan, as I am proud to be Passamaquoddy. The history of this town, the name Skowhegan, the wooden statue, the Skowhegan Indian name all go together. My mother, Pauline Stevens, really liked that when -- really liked that we were Skowhegan Indians when we moved here in 1983. My three daughters all attended school here and graduated, went to college or trade schools. They all have careers and are successful; one daughter's a hairdresser, one daughter designs websites and works for L.L. Bean, and one daughter is a dental hygienist. My four grandchildren attended school here also; three graduated from Skowhegan, one from Carrabec. My granddaughter has three girls and is a real estate agent in Tennessee. My oldest grandson was in the Air Force for six years and now works for Northrop Grumman, is currently taking classes at Embry-Riddle Aeronautical University and has DOT top security clearance, and works on B-2 bombers in Missouri. My other grandson builds ships in Florida. My father, George Stevens, was in the Army and served in World War II. He was also a deacon of the Catholic church. My brother, Nogny, was in the Marines. My brother, Richard, was also in the military and

served as a tribal governor and was a game warden until he retired. I have a nephew who is in the Navy also and is now a cop in New Orleans. And I have many other brothers and sisters, nieces and nephews, who are successful and are Passamaquoddy. I am telling you this all because it was brought to my attention that native children in a study do worse and have been negatively affected by mascot imagery. My children and grandchildren were not affected at all and as they attended Skowhegan school. Mostly all of my family is doing well. Some kids and adults take a wrong path, it doesn't matter what your culture or your background is. Now, as you know, myself, my mother are all still -- my mother is still alive and my daughter, Kathy, my granddaughter, two grandsons, who are Passamaquoddy and are on the census who want you to keep the Indian name and imagery. That should say something. Please vote against this bill. It's too expansive. Thank you, Madam Speaker.

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

Representative **ACKLEY**: Thank you, Madam Speaker, my Friends of the House. Proponents and opponents of this bill profess to show respect of Maine's indigenous people. Now, whether you're for it or against it, that's what everyone is saying. We've heard quite clearly from Maine's tribal nations that they do want our respect and when we've asked them about using high school mascots as a form of that respect, Maine's indigenous folks have told us that they're offended. This basic contradiction here is that one cannot show respect by doing something that is interpreted as disrespectful. We shouldn't have to make a law that tells a community in Maine that they shouldn't be using an educational institution, an institution that's supposed to be a place intended to teach kids, to inspire learning, a place to build relationships with others, we shouldn't have to make a law to tell them not to use this institution that will intentionally offend.

Judging from the long debate on this issue, apparently we do. For when you contemplate using a mascot that you know is offensive, you're excluding people. I think the Good Representative from Milford earlier today said it accurately; this is a civil rights issue where we should be standing up for the minority. Using offensive mascots in school is not what we should be teaching our kids and so let's make it a law. Let's make it clear that in Maine, we choose to include rather than exclude. Thank you, Madam Speaker.

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

Representative **COREY**: Thank you, Madam Speaker. I went to high school in a tiny town in Massachusetts with an Indian mascot. I don't personally like any of that, but I'd like to ask a question through the Speaker as I'm still struggling with this bill.

The SPEAKER: The Representative may proceed with his question.

Representative **COREY**: The bill includes a school having a name that depicts or refers to a Native American individual. I noticed that Orono is named after a Penobscot Indian Chief. Would Orono High School have to change its name?

The SPEAKER: The Representative from Windham has posed a question to any Member who might be able to answer. The Chair recognizes the Representative from Bangor, Representative Kornfield.

Representative **KORNFIELD**: No.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Harnett.

Representative **HARNETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I did not intend to speak to this issue, although I strongly support the bill that we are debating. However, I have been spurred to speak because of some of the things I just heard.

First of all, this is not about the government regulating an individual speech. This is about the government saying what is acceptable in government speech. The Good Representative from Canaan talked about his defense of somebody marching down Main Street with the Nazi flag and I agree with that; that's a First Amendment right. I do not think that we would be having a school fly the Nazi flag as a symbol of its place of education. We are not talking about individual freedom. The United States Department of Justice has historically investigated cases of native mascots at schools as an interference with the educational rights of all students. There was a case in South Carolina of a school that called their women's teams, their girl's teams the Squaws and they had a "scalp them" chant. They were sued by the federal government, there was no free speech defense, and the nickname was changed. Similarly, in 2001, a school in Illinois faced the same issue with their native mascot, the Redskins. They were sued by the United States Department of Justice, they did not raise a successful First Amendment defense, and the name was changed.

This, to me, is a rather simple principle; no person should be made a mascot and no person's heritage should be defamed at a place of education. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Collings.

Representative **COLLINGS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. So, I just want to clarify a few things here very briefly. The language in this bill unequivocally states about mascots. It will do no such thing as make a community remove their town name, such as Nokomis, Madawaska; that will not happen. This is specific to Native American mascots. And it is correct what's been said before, this is a civil rights issue which supersedes a local control issue. If that wasn't the case in this country, you could have schools in different parts of this country segregate schools. So this is definitely a civil rights issue and as the Good Representative from Gardiner said, we are not limiting individual's speech. Government's speech can be limited by government, which includes schools. Otherwise, students and teachers could be very superfluous in manner of stating things that would be very derogatory.

Talking more about civil rights issues and how it affects Native Americans, the tribes in this state overall has communities, and a great majority of their members, do not want to be a mascot. They are not mascots; they are people that have been here for 12,000 years. It is deeply offensive to them. I think the least we could do is listen to them and respect how they want to be recognized.

It's not just the tribes in Maine. Other states have implemented these laws, as well as the National Congress of American Indians which represents over 500 tribes in this country has asked for no mascots, associations of pediatrician psychologists have said this is harmful to students. Our job as legislators is to look at every student in this state, and if there is something that students feel are racist or derogatory to them, we need to make sure that does not exist. That is one of our biggest roles is protecting children in this state.

Finally, I will say that when I went to witness some of this debate that's gone on for years, to take it back, every single town currently in the State of Maine has gotten rid of offensive

Native American mascots. The last one was just about a month ago or so. Almost every other community, ten or 12 of them in the past few years, immediately spoke with tribal representatives, agreed it was offensive, got rid of the names, which included where I grew up in Fort Kent, we were the Fort Kent Warriors. They immediately got rid of the mascot and they took a positive spin off of it and got the students involved, chose a new mascot, and empowered the children. So this could be an educational experience.

The purpose of this bill is for the state leaders and the whole state to confirm what every single community in the state has said is that they do not want offensive mascots. If we don't do this, other communities will try to reverse local decisions which will make the process drag on which is detrimental to not only Native American children that find it offensive and has been found to be detrimental by psychologists, it also has an impact on students in the schools that have these mascots that are non-natives. Our job is to protect the students, not alumni that want to keep their traditions going from when they were in high school. I know change is hard, I know that mascots sometimes can be part of your identity growing up, but in my case, where I grew up, we changed the mascot immediately, the sky didn't fall, everything went on as normal, the students were fine, the students were happy, and that's what it's about; it's about the students. We are here to protect the students. We are not here to have an alumni group try to keep these glory days going through a mascot. Skowhegan and all the surrounding towns are great communities, I have many friends there, this is nothing personal against them. This is about something that's been found to be offensive, unequivocally, by medical experts and Native Americans across this country. I think this is the right thing to do and I ask you all to vote for this bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Camden, Representative Doudera.

Representative **DOUDERA**: Thank you, Madam Speaker. I rise in support of this measure as well and I want to share that I, too, like the Representative from Windham, went to a high school in Massachusetts. We were King Phillip Regional High School and we were the King Phillip Warriors. And out of curiosity, I reached out to the principal of the school there now to ask how they are dealing with this issue and she shared that they have been working very, very hard to rebrand and change their logo and that they are trying to be more inclusive and respectful. She did say, personally, I can say for this process and for the other changes that we have made to be more open and inclusive, we wish we would've had the power of legislation behind us to combat the hate that rises from such efforts. It's very easy for a community to target a school leader for destroying tradition rather than commending them for staying true to the value of inclusivity. I commend you for your work and I am happy that you in Maine are tackling this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Rumford, Representative Dolloff.

Representative **DOLLOFF**: Thank you, Madam Speaker. I'd like to pose a question through the Chair.

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

Representative **DOLLOFF**: I was just sitting here wondering, listening to all the testimony, if somebody could answer the question; do we have any schools left that are using any part of the Native American name/mascots otherwise?

The **SPEAKER**: The Representative from Rumford has posed a question through the Chair to anyone who is able to

answer. The Chair recognizes the Representative from Bangor, Representative Kornfield.

Representative **KORNFIELD**: Thank you, Madam Speaker. Yes, just one; Skowhegan.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Madam Speaker. As beloved as the First Amendment is to all Americans and all Mainers, we have to remember that its reach is limited. The Bill of Rights pertains only to state action. It does not apply to what you say to your neighbors or at a public meeting or to the person sitting next to you in this body. It is only when the state itself, that is to say government, raises the words, uses words that are protected or not that we turn to the First Amendment. And so I think that the fear that our First Amendment rights will be undermined by this measure are overrated and should not be a barrier to enactment of this bill. Thank you.

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

Representative **SKOLFIELD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It seems to me that the people of the State of Maine have spoken. They've done it in their communities, they've done it at the local level, and I see no reason for us to be involved in that. I think that you'll please follow my light in opposition to this bill.

The **SPEAKER**: The Chair recognizes the Representative from Rumford, Representative Dolloff.

Representative **DOLLOFF**: Thank you, Madam Speaker. For -- ongoing now, it is my understanding that Skowhegan has resolved the issue, so we do not have any schools in the State of Maine that this would apply to so I see no need for this bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: Thank you, Madam Speaker. Just to answer the question from the Good Representative from Rumford, Indian Island school, if you look at their website, is still one as well.

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

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

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

Representative **ACKLEY**: Sure. Is any Member in this chamber aware of communities considering naming their schools that would be offensive according to this bill?

The **SPEAKER**: The Representative from Monmouth has posed a question to anybody in the chamber who wishes to answer. The Chair recognizes the Representative from Portland, Representative Talbot Ross.

Representative **TALBOT ROSS**: Thank you, Madam Speaker and distinguished Members of the House. I agree with my good colleague from Canaan that this will be one of the most impactful bills that we will vote on. I rise today in support of this motion and want to bring forth the words of three people I hold in high regard and add their voices to this critical discussion.

The testimony of Sherri Mitchell, Esquire, Penobscot Nation citizen. For nearly half a century, comprehensive social science research has supported that Native American mascots are harmful. Rather than honoring native peoples, Native American mascots perpetrate negative stereotypes and contribute to a disregard for the personhood of native peoples. Research shows that derogatory Indian sports mascots have serious psychological, social, and cultural consequences for

Native Americans, especially native youth. Most concerning is considering negative stereotypes of native people are the alarming -- help make the alarming high rates of hate crimes against native people. According to the Department of Justice statistics, American Indians are more likely than people of other races to experience violence at the hands of someone of a different race. Many of us have certainly been threatened with violence by those in this state who are fighting for an entitled right to misconstrue our identity through the use of racist mascots. While I was in Skowhegan listening to testimony on the use of their harmful mascot, a young man proudly stated that the history of their mascot dated back to the 1920s. During the 1920s, the assimilation policies of the United States were forcing native peoples towards disaster. By the end of World War I, native peoples were suffering from short life expectancy, disease, malnutrition, a diminishing land base, the forced removal of their children, and the devastation of Indian boarding schools. This period was followed by the termination era which included a series of laws and policies designed to assimilate native peoples and eliminate their political and legal status. The remnants of that time are still being felt throughout Indian country and families are still grappling with the generational trauma caused by those actions. As Skowhegan was proudly adopting the identity of our people as their mascot and allowing their children to play Indian, our children were being taken and horribly abused for actually being Indian. Now, nearly 100 years later, we are still discussing the right of non-native peoples to adopt and misuse our identity for sport while our people live with the violent consequences that these stereotypes place on us.

Barry Dana, former Penobscot Nation Tribal Chief states Maine needs to lead the nation in this effort. We can do this beginning in this chamber with your vote to pass this bill. I speak on behalf of Wabanaki people of Maine who through their respective governments have officially requested the removal of offensive nicknames, mascots, and imagery. Maine's own Department of Education reports because our schools must provide safe inclusive and respectful learning environments and because schools teach many lessons by example, the department urges schools to refrain from using mascots and logo that depict Native American tribes, individuals, customs, and traditions. The department also cites the American Psychological Association's report. This report states stereotypical representations undermine the ability of native people to accurately portray themselves and showed a consistent negative reaction that lowers the self-esteem of native youth. Would you all here be okay with schools allowing harmful behavior that lowered students' self-esteem? You may also hear from opposition to this bill that the name "Indians" honors the heritage of the native people that once lived here. It is now their heritage. No, it is my heritage as a direct descendant of the people who did once live here. And why do they no longer live here? In 1724, they were massacred by the British Army. Their scalps were then sold for bounty. Men, women, and children. Genocide is the colonial settlers' heritage. You may know in a way that it feels odd to be asking the legislature to ban offensive nicknames when this is 2019, when no other race is used in such a disrespectful manner. No teams are named the blacks, the Jews, because it's wrong to do so, but we of a nation should've never used my people as mascots. Natives should be the ones deciding what's offensive and what is appropriate. No non-natives should dictate to native people what honors us. Mascots and Indian nicknames honor no one. They are offensive. On behalf of a healthy educational learning environment for all Maine students,

please consider helping Maine eradicate all offensive mascots, nicknames, and imagery, and pass a law that bans their future use. Let's remember that Chief Executive Mills has also weighed in on this issue. I quote from her letter to SAD 54 --

The SPEAKER: The Representative will defer. We will not refer to the actions of the Chief Executive during the course of debate. The Representative may proceed. Still, even if it is in a letter, that is still the case. Thank you.

The Chair reminded Representative TALBOT ROSS of Portland to refer to the Chief Executive as the Chief Executive.

Representative **TALBOT ROSS**: Thank you, Madam Speaker. The name Indians has become a source of pain and anguish. Changing your mascot does not change you as a people.

Maulian Dana, Ambassador, Penobscot Nation. Let's start with the facts. You may hear many opinions on this today and some of them will try to discredit the factual evidence we can provide. It is a fact that Indian mascot use is harmful and adds to the intergenerational trauma of indigenous people. It is a fact that we have the highest rates of suicide of any group. It is a fact that children as young as eight have suicidal ideations in our community. It is a fact that we suffer high rates of alcoholism, drug abuse, mental health struggles, and poverty. It is a fact that the societal acceptance of Indian mascots increases the impact of all of these plagues on our people. When people see us as less than human, they treat us as such. When people steal and misuse our identity, they render us in totality of the indigenous heritage and experience invisible. When you think you can call yourself an Indian because it is your high school mascot, it is a fact you are carrying out racism and privilege against those of us who are actual Indians and have requested that you stop your behavior. It is also a fact that under Maine law it is a crime to identify as a tribal nation when you are not one. It is a fact that many scholarly studies have agreed on this and all of them have called for the end of the Indian mascot use because of the harm it causes to indigenous students and to all students. It is a disservice to the people of Maine to allow a harmful practice in the schools.

The SPEAKER: The Representative will defer. I just debated for the past 30 seconds whether or not to ask you to defer and I recognize that you are reading a letter from the Ambassador to the Penobscot Nation, but it is skirting dangerously close to questioning the motives of members in this body in a way that I cannot allow. And so I'm going to ask you to proceed, I can be specific about the particular line in question if needed, but I'm going to ask you to proceed and please be judicious in making sure that the comments that you are reading on behalf of others do not question the motives of others who are debating on another side of this bill. Thank you.

The Chair reminded Representative TALBOT ROSS of Portland that it was inappropriate to question the motives of other members of the House.

The SPEAKER: The Representative may proceed.

Representative **TALBOT ROSS**: Thank you, Madam Speaker. On a personal note, given what you've just stated, on a personal note, I just want to recall as a child, when my father served in this body and unfortunately had to put forth a bill to remove the derogatory term of nigger from all of the place names in this state. I remember as a child him having to plead with his colleagues to not allow this horrible legacy of racism to live on during his children's lives. He did it in order to protect all Maine children. And so I rise again and ask that we not simply treat this as words but that we understand we have

an opportunity here to take a stand. We have an opportunity here to end the legacy of racism. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Passamaquoddy Nation, Representative Newell.

Representative **NEWELL**: Thank you, Madam Speaker. I've chosen to rise. Good afternoon to the Members of the good people of this House. I thank you for the opportunity to have listened to both sides of this, whether in support or against. I waited, as you can see, towards the end of this debate. I question whether this really is a necessary debate. I am seated here in this House amongst you as a Passamaquoddy tribal indigenous woman representing Indian township and Pleasant Point. I rise to ask you if I may reread the testimony that I provided to the committee. If I can get it to work correctly.

I stand before you -- prior to that, I want to say this; I stand here not to offend you. I have sat here listening to the debate, again either for or against. While I can appreciate the balance of the conversation, I again question whether this is a debatable issue. If you would, please, take a look at me. I mentioned earlier I am a Passamaquoddy citizen. I am a representative member to this body. I provided to the committee in the same manner not to stand or not to offer to be offensive yet only to offer the following as a tribal citizen and an elected tribal representative of the Passamaquoddy tribe. As you listen to the conversation today either for or against, I call upon each of you to humbly -- to have humbly listened with an open mind and an open spirit and please recognize the importance of this day. I ask you to exact the charge of voting in favor of LD 944 so as to no longer support the misrepresentation of identity of a unique culture belonging only to the indigenous people of this land. The time is now to ban Native American mascots in all public schools. Let us replace instead by promoting cultural diversity and awareness in place of any continuance of social injustices towards one another. For today there is much diversity within this great state of Maine, of which I am proud to be part of. And it is our collective responsibility to the next generations to promote each other as equals, as individuals, and more importantly as neighbors.

Wela'in; I thank you, Madam Speaker, and the Members of this House for the opportunity to stand here and speak. I do not hold a vote here. I did not have to sit here through this conversation. I could have excused myself. I sat here and I listened to both sides and I ask you once again just to be open in your mind, in your spirit. This is not an issue of whether you are a Democrat or whether or not you are Republican. This is an issue to improve the relationships with the tribes that live here with you, amongst with you, work with you. Let us walk together. The time has come. I do not wish to have to stand in defense of who I am. Please take a look at me. I am not, I am not as you have been hearing. I'm going to tell you who I am. I am, just as you are, a human that works, that studies, that raises a family, that takes care of the children and my grandchildren. I am no different than you are only I belong to a different culture of which I am most proud of and that is the Passamaquoddy tribal culture, made up of the Wabanaki nations of the Maliseet and the Micmac and the Penobscots. This is my heritage. I am not, please, I am not a mascot.

I thank you and I thank each of you for allowing me to speak and I ask you once again vote to what is in your heart, to what is right to this issue. Let us work together, let us walk together, let us be neighbors. Let us help one another. We

are not going anywhere, neither are you going anywhere, so let's just work together. Thank you so much. 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. 54**

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

NAY - Andrews, Arata, Austin B, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kryzak, Lockman, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Tuell, Wadsworth, White D.

ABSENT - Cuddy, DeVeau, Doore, Faulkingham, Grignon, Kinney, Lyford, Martin R, Paulhus, Peoples, Theriault, Tipping.

Yes, 88; No, 49; Absent, 12; Excused, 1.

88 having voted in the affirmative and 49 voted in the negative, with 12 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-122)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-122)** and sent for concurrence.

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

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Replace Net Energy Billing with a Market-based Mechanism"

(H.P. 42) (L.D. 41)

Signed:

Senators:

LAWRENCE of York  
MIRAMANT of Knox  
WOODSOME of York

Representatives:

BERRY of Bowdoinham  
CAIAZZO of Scarborough  
DOUDERA of Camden  
GROHOSKI of Ellsworth  
KESSLER of South Portland  
RILEY of Jay  
RYKERSON of Kittery

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-107)** on same Bill.

Signed:

Representatives:

FOSTER of Dexter  
GRIGNON of Athens  
HANLEY of Pittston

**READ.**

Representative BERRY of Bowdoinham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative HANLEY of Pittston **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: The Chair recognizes the Representative from Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, we get a second bite of the apple. A few months ago, or maybe not that long ago, we passed the bill that got rid of gross metering and the Governor -- excuse me, the Chief Executive signed the legislation into law. This bill that is before us that is the minority is actually the bill that should've been passed at that time because with the elimination of gross metering you only did half the job. The other half is to solve the problem of how we pay for solar that is produced on a panel. And this bill would've corrected that because it would reduce the payments finally to the wholesale rate instead of the above-market rate that we pay now, and that's what drives cost of electricity for all the other people in this state that do not have solar panels and never will.

This bill would get rid of gross metering, it would price at wholesale rates the compensation for power generated. It would keep in place all the contracts that are in place now; every solar facility in place now would be grandfathered in for the next 15 years. The only solar systems that would be affected would be any systems that would be installed after January 1st of the next year.

This bill could and would pass -- would solve all the solar issues in this state, just take the solar issue off the table. We wouldn't have to keep coming back to this. And I think that a lot of people misunderstand me that I don't have anything against solar at all. Panels are not the problem, it's policy that is the problem. And the policy we have in place costs the citizens who do not have solar panels a lot more money for their electricity. I ask you to defeat the pending motion and to observe the second motion. That would be my hope. Thank you, Madam Speaker.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This was long but I'm going to cut it down and make it really short.