

MAINE STATE LEGISLATURE

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An Act To Improve Labor Laws for Maine Workers

(H.P. 562) (L.D. 757)
(C. "A" H-151)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative DILLINGHAM of Oxford, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 71

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

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

ABSENT - Brooks, Cebra, Grignon, Ingwersen, Stover, Talbot Ross, Theriault.

Yes, 88; No, 54; Absent, 7; Excused, 1.

88 having voted in the affirmative and 54 voted in the negative, with 7 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act Increasing Municipal Agent Fees for Motor Vehicle, All-terrain Vehicle, Snowmobile and Watercraft Registrations

(S.P. 272) (L.D. 917)
(C. "A" S-70)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative MOONEN of Portland, was set aside.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Non-Concurrent Matter

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)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-120) in the House on April 23, 2019.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-120) AS AMENDED BY SENATE AMENDMENT "A" (S-66)** thereto in **NON-CONCURRENCE**.

Representative SAMPSON of Alfred moved that the House **RECEDE AND CONCUR**.

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

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

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

Representative **PECTEAU**: Thank you, Madam Speaker. After hearing about my statement regarding our new Mainers, a Muslim leader in Portland reached out to me and asked if I could read the following message. This leader is legitimately afraid of standing up and saying no.

I am concerned about the vaccination bill. Although I am pro-vaccination, I believe the solution is education, not force. As a Muslim-American, I believe religious liberty is important. This could jeopardize that. Minorities and people of color including immigrants are already over-criminalized and this could be another excuse to put more people of color in jail or lead to taking children away from families. Often, the laws are enforced differently when it comes to people of color versus whites. What is Congress doing to make sure this doesn't happen in this case and what are you doing to ensure members of refugee and immigrant communities are educated on these issues? Are you setting funds aside? We are already dealing with language and cultural barriers. Religion is in the mix. How are you going to address that? Will this bill punish someone who does not want to vaccinate their children on religious grounds? I humbly request each and every member of this body to reconsider this bill and vote no.

Madam Speaker, speaking on behalf of myself now, my concern is we posted a welcome home sign at the border. Welcome to Muslim people and knowing they held a different religion and belief structure and in my district they've been fantastic neighbors. I feel that starting something and changing the rules halfway through sounds more like a game of Monopoly with a toddler rather than a sound state policy. I hope we recede and concur.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Madam Speaker. Can I pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **RYKERSON**: I would like to ask anybody in the chamber if there's anything even vaguely in this bill about taking children away from their families. Thank you.

The SPEAKER: The Representative from Kittery has posed a question if there is anyone who is able to answer and I believe the Representative from Orono is rising to answer. The Chair recognizes the Representative from Orono.

Representative **TIPPING**: Thank you, Madam Speaker. In answer to the question posed to the chamber, the answer is no. Raising the specter of child removal and arrest is a scare

tactic that I don't think we need at this moment. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bradley, Representative Lockman.

Representative **LOCKMAN**: In answer to the question, Madam Speaker, if a child were killed by a vaccine they'd be separated from their family and the manufacturer of the vaccine would be immune from prosecution.

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, today we consider the merits of a religious exemption to compulsory vaccinations. The idea of a religious exemption as it relates to immunizations sent me back to my academia. As you know, Madam Speaker, in conjunction with a major in Political Science, I studied Theology and Religious Studies at Catholic University in Washington. I firmly believe the notion of a religious exemption as it relates to vaccination is entirely antithetical to religion. The exemption itself suggests vaccinations are in conflict with religion, as if these two things stand at opposite ends of our earth. This could not be further from the truth. As one medical journal author conveyed, quote, we should not consider vaccination opposed to the theological base and values. Following this idea, religion is not in contradiction with vaccination and public health, it is only individual parents or religious leaders in their questionable interpretation of religious practices that are opposed to vaccination, no religion as such, end-quote.

Vaccination serves the public interest, Madam Speaker. They ensure you and me can be in this chamber today to debate issues in good health. And those outside this chamber can live, work, and play without the risk of picking up a completely preventable disease along the way. Whether Judaism, Islam, Buddhism, Christianity and its various denominations, or my own spiritual home of Catholicism, the conclusions on this topic consistently return to the protection of life, preventing harm, and advancing the public interest.

I heard reference in this chamber last week to human cell strains in the ingredients of vaccines. The remarks suggested this as a religious basis for rejecting vaccines. The literature says otherwise. For example, the Pontifical Academy for Life's document titled Moral Reflections on Vaccines is clear on this matter. It states, quote, as regards the vaccines without an alternative, the need to contest so that others may be prepared must be reaffirmed, as should the lawfulness of using the former in the meantime inasmuch as is necessary in order to avoid a serious risk not only for one's own child but also, and perhaps more specifically, for the health conditions of the population as whole, especially for pregnant women, end-quote. In other words, Madam Speaker, one can insist medicine advance alternatives but the behest should not serve as a substitute for the vaccines that already exist to protect one's own children in our society as a whole. Perhaps it is the case that a subset of religions outside of the aforementioned major world religions do wholly and without nuance condemn vaccination. Reverend Henning Jacobson of Cambridge, Massachusetts, provides us with such a case. In 1902, he defied a public health order to get vaccinated for smallpox. He refused, he was fined \$5, I don't believe there's a fine in this legislation before us, he took his case to the U.S. Supreme Court, they argued the case on December 6, 1904, they decided the following on February 20, 1905, quote, the liberty secured by the Constitution of the United States does not import an absolute right in each person to be at all times and in

all circumstances wholly freed from restraint, nor is it an element in such liberty that one person or a minority of persons residing in any community and enjoying the benefit of its local government should have power to dominate the majority when supported in their action by the authority of the state, end-quote.

Madam Speaker, vaccination interests the totality of our society, even those permanently and sternly at odds with them. Vaccines are not antithetical to religion, religion is not inherently in conflict with vaccination. Religions are many centuries old. The first vaccine dates back to 1796. The sacred scriptures cannot possibly contemplate the ethics of vaccination. However, researching the interpretations and applications from theologians and religious scholars on this matter, one surely concludes the prevailing religious ethic is to uphold public health and thus vaccinations as a means to just that. I'll be voting against the motion before us. Thank you, Madam Speaker.

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

ROLL CALL NO. 72

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

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

ABSENT - Brooks, Cebra, Grignon, Ingwersen, Stearns, Stover, Talbot Ross, Theriault.

Yes, 65; No, 76; Absent, 8; Excused, 1.

65 having voted in the affirmative and 76 voted in the negative, with 8 being absent and 1 excused, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST**.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment, Thursday, May 2, 2019, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.