

# MAINE STATE LEGISLATURE

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**Journal and Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Eighth Legislature**  
**State of Maine**

**Daily Edition**

**First Regular Session**  
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witness something in which home town and world class truly can appear in the same sentence. Congratulations to the quartet as they celebrate their 25<sup>th</sup> anniversary. May the next 25 years be just as successful. Thank you, Madam Speaker.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

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**REPORTS OF COMMITTEE**

**Divided Reports**

Seven Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-265)** on Bill "An Act To Protect Law Enforcement Officers by Creating the Crime of Aggravated Assault on an Officer" (S.P. 329) (L.D. 990)

Signed:

Senators:

ROSEN of Hancock  
CYRWAY of Kennebec

Representatives:

COREY of Windham  
GERRISH of Lebanon  
GROHMAN of Biddeford  
HERRICK of Paris  
MAREAN of Hollis

Four Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Representatives:

WARREN of Hallowell  
LONGSTAFF of Waterville  
RECKITT of South Portland  
TALBOT ROSS of Portland

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-266)** on same Bill.

Signed:

Senator:

DIAMOND of Cumberland

Representative:

NADEAU of Winslow

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265)**.

**READ.**

On motion of Representative HERBIG of Belfast, **TABLED** pending **ACCEPTANCE** of any Report and later today assigned.

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Eight Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-146)** on Bill "An Act To Reduce Youth Access to Tobacco Products" (S.P. 391) (L.D. 1170)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York  
CHACE of Durham  
DENNO of Cumberland  
HAMANN of South Portland  
HEAD of Bethel  
MADIGAN of Waterville  
PARKER of South Berwick

Four Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senators:

BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:

MALABY of Hancock  
SANDERSON of Chelsea

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-147)** on same Bill.

Signed:

Representative:

PERRY of Calais

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "B" (S-306)** thereto.

**READ.**

Representative HYMANSON of York moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This bill will undoubtedly help some Maine citizens avoid the horrors of living with, and ultimately dying from, cigarette-induced lung disease. The research shows that 95 percent of all smokers start smoking before the age of 21. Our hospitals and nursing homes are full of former teenage smokers who are desperately wishing that they had never started smoking. The societal, monetary, and emotional costs are astounding. Today, you and I can make a difference. There are thousands of stories; I'll tell you my family's. My dad started smoking at age 13 because he thought it made him look grown-up and cool. I, being an only child, was the apple of my dad's eye. I went everywhere with him: to the dump, to the post office, to the store, down to the garden, and to our favorite spot, Baxter State Park and Grassy Pond. Dad would backpack a rubber raft down into the pond and foot pump the rubber raft until it was inflated, and we would spend the day fishing until we had caught our limit in trout. Then, the cigarettes took dad's ability to carry the backpack down into the pond away, so we'd fish from the shore, and we still had fun. Then the cigarettes took dad's ability to hike away, so he'd wait in the campground and I'd

bring the trout to him. As the years passed, dad's ability to go camping ended too, and then his ability to leave his home ended and I'd go to his home and visit. He'd be on oxygen. Then dad's lungs got so bad that he had to have a tracheotomy in his throat which prevented him from talking. The only way he could talk was to have a doctor remove the tracheotomy, and he could gasp out a few words, and then put it back in. So, when you think about those 95 percent of Mainers who start smoking before age 21, you can think of my dad; and boy, did he wish he hadn't started smoking, but it was cool then, and he had access to them. So if we can keep one Maine family from repeating this story, wouldn't that be a wonderful thing, to help our families not to have to have that memory? Not to have their loved one die in a condition where they couldn't even speak anymore and couldn't teach their grandchildren how to fish. I think passing this bill is the right thing to do. We already allow for the age of 21 for marijuana smoking and for alcohol. Allow these teenage brains to develop a little further, to make good choices that will give them happy stories of hiking and camping and enjoying their families into old age. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE**: Thank you, Madam Speaker. I feel compelled to rise today because of a career choice I've made for the last several years. I come from a family of heavy smokers. You know, in the pharmacy world, you know, we don't see 16 to 20 people a day, we see several hundred people a day; and when you're talking about 30 or 40 percent smokers out there, you're talking about a significant number of people that have a problem. You've got to be 21 to drink alcohol. There are many of us in this room that consume alcohol, and we do it in a very casual manner and we're capable of maintaining control of that process. Nicotine is not like that. I know very few people who can casually smoke, once in a while, and walk away from it. There are a few, but there are very, very few. Since 1983, I've been working in the pharmacy world, and even though I'm not a healthcare practitioner, I have certainly brought a lot of people out of that tailspin, including myself, including family members. I have watched thousands of people, thousands and thousands of people on inhalers, with COPD and quality of life issues; and I'm at the right age that I remember when we changed alcohol to 20 years of age. It went to 20, then it went to 21 and there was a grandfathering. And, you know, being younger, in high school when it was still 18, alcohol was more available, it was more prevalent, and after the age limit changed, it dried up. And even though we're not going to get to everybody, and we've got the people that are always going to skirt the system and try to do what they can to do, we have got to do what we can to marginally improve the lives of our citizens. Smoking has been very costly to folks in the State of Maine. Extremely costly. Smoking, I'm ashamed to admit that we gain so much revenue out of things that do so much harm to people. I don't care if there's a fiscal note. The right thing for us to do is to strengthen our citizens, not find ways to weaken them. I don't disagree with any of my counterparts on the age of 18 of adulthood. I think maybe it's time we start to rethink what adulthood is. You know, the 18-year-olds of 30 years ago are, I think, far more mature than the 18-year-olds of today are, and I think that maybe we start moving a lot of these other items to the age of 21. Lifespan is increasing. This is a serious issue. There are several hundred municipalities across the country who have enforced 21 years of age. I can sleep at night knowing that I could push that bar just a little bit farther out of

the reach of some who are susceptible and need help to avoid this situation. So, for that reason, Madam Speaker, I am going to vote in favor of this motion.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Ordway.

Representative **ORDWAY**: Thank you, Madam Speaker, Colleagues in the House. I rise in opposition to this pending motion. I think that, well, I certainly myself know the struggles of trying to quit smoking; and I will tell you one way not to do it is replace Marlboros with Twinkies, as my issue is. But we certainly respect an 18-year-old enough to have the knowledge to make a decision to vote for all of us. Let's respect that 18-year-olds are adults. Thank you.

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

Representative **RECKITT**: Madam Speaker, other members of the House, I rise today because I'm one of those people: I started smoking when I was 15 because I was playing field hockey, and it was cool and the whole team smoked, and it was the biggest mistake I ever made in my life. I smoked for 20 years. I watched my mother smoke herself into a lung cancer death. I watched my father die from the same condition; and today I sleep on a CPAP machine, and I'm one of those people with COPD that uses inhalers, and I continue to regret that decision I made at age 15. I'm happy that my wife spent several years as a nicotine narc for the State of Maine, trying to entrap retailers who are selling to kids under 18, sorry under 16. But still, it just can't be; we have to do things that will protect people. Brains are not fully developed at 18. I wish they were; but we have to help with this problem, and it's one that I continue to live through every day. And I have great empathy for Representative Guerin, and I appreciate her remarks today, and I felt compelled to rise from this side of the aisle to add my own story to the tale; and so I thank you all and I hope that we will indeed do this today. Thank you.

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

**ROLL CALL NO. 383**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Chace, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Farrin, Fay, Foley, Frey, Fuller, Gattine, Gillway, Ginzler, Golden, Grant, Grignon, Grohman, Guerin, Haggan, Hamann, Handy, Hanington, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Parry, Perkins, Perry, Pickett, Pierce T, Pouliot, Reckitt, Reed, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Sherman, Simmons, Skolfield, Spear, Stanley, Stearns, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Timberlake, Tucker, Tuell, Vachon, Wallace, Ward, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Casas, Cebra, Craig, Dillingham, Espling, Fecteau, Fredette, Gerrish, Hanley, Harrington, Hawke, Johansen, Kinney J, Kinney M, Lockman, Malaby, Mason, O'Connor, Ordway, Picchiotti, Pierce J, Prescott, Riley, Sirocki, Stetkis, Strom, Sutton, Theriault, Turner, Wadsworth, White, Winsor, Wood.

ABSENT - Devin, Harvell, Sanderson, Tipping.

Yes, 113; No, 34; Absent, 4; Excused, 0.

113 having voted in the affirmative and 34 voted in the negative, with 4 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-146)** was **READ** by the Clerk.

**Senate Amendment "B" (S-306)** to **Committee Amendment "A" (S-146)** was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-146) as Amended by Senate Amendment "B" (S-306)** thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-146) as Amended by Senate Amendment "B" (S-306)** thereto in concurrence.

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

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**ENACTORS**  
**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine Authorizing the Legislature, or Electors through Direct Initiative, To Enact Legislation To Determine the Winner of Elections for the Offices of State Senator, State Representative and Governor

(S.P. 577) (L.D. 1624)  
(C. "A" S-300)

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

Representative HERBIG of Belfast **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

Representative **COOPER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This resolution is not about whether you think ranked choice voting is a good idea. It is not about whether you think that it will bring the benefits that its advocates hope it will bring. It is not about whether or not you agree with the Maine Supreme Judicial Court's decision regarding ranked-choice voting. Rather, it is about whether or not you respect the referendum process and respect the vote of the people of Maine on this matter. This resolution will give the people of Maine the opportunity to fully implement the referendum that they adopted by a large margin just last November. So, if you believe that the people's vote means something, you will support this resolution. Thank you.

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

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise in strong support of the pending motion. The people have spoken. A majority of voters, more than 383,000 of them across the state, have told us loud and clear that they want ranked-choice voting, a different process for electing our state and federal Representatives, our Governor, and our President. Madam Speaker, the Maine Supreme Judicial Court has also

spoken. It has issued an Advisory Opinion suggesting that ranked-choice voting for choosing members of the Legislature and the Governor would run afoul of the plurality clause of Maine's Constitution. Right now, in this moment, we have an opportunity to address the concerns of the Law Court and uphold the will of the voters at the same time. Now, I will not address the merits of ranked-choice voting here today, for those arguments were considered during the debate on Question 5 over the past several months. The election results have settled that debate, and what we must do here today is respect those results and move this election reform forward. The Constitution of Maine has been amended 172 times since 1820; and by the way, one of those constitutional amendments, after a contentious election in 1880 that lead to all sorts of drama, replaced the word majority with plurality, which brings us to the matter before us now. By upholding the will of the voters, we must send them a resolution to amend the Constitution one more time, because the voters cannot do so themselves; and this way the people can have what they have told us they want. I believe, Madam Speaker, that it is incumbent upon each and every one of us here today, no matter how our individual districts may have voted on the matter last November, no matter how each one of us may have voted on this matter last November, to return to the people another referendum that would allow them to ratify this amendment, in order for ranked-choice voting to be fully implemented. It is as simple as that. Now, make no mistake: it is entirely possible that the voters may change their minds, but we mustn't assume that they will, nor must we assume that they won't. Instead, we must uphold the validity of their first vote and send this resolution to the ballot box for ratification, so that the voters have the last word. I believe that anything less is a dereliction of our duty. The people have spoken, Madam Speaker. We must listen. I urge this body to vote unanimously to send this resolution to the ballot box, and let the people say yes.

The **SPEAKER**: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House, I fully concur with the previous remarks, to the effect that this is about letting the people vote, wherever we stand on the issue of ranked-choice voting. But I just need to say for the record, as well, that for many of us, ranked-choice voting is simply a better system, and it is also a reason to vote in favor of the pending motion. For me, Madam Speaker, this is not about a recent past election, the 2014 election or the 2010 election. This is an issue that I've been working on for 10 years, at least. It was, in fact, the first bill that I put in when I was first elected to the Legislature 10 years ago; and I worked with the Representative from Livermore, Representative Knight, at the time, a Republican, on a bill that would have brought ranked-choice voting to the gubernatorial elections of Maine at that time. We worked on it together because we felt that ranked-choice voting was a system that allowed people to vote their hopes and not their fears. We worked on it together because we felt that it was a system that let people choose the best person for the job and not the lesser of two evils. And so, I will be voting in favor of the pending motion for that reason, in addition to those that have been stated, and knowing that we have 400,000 people, 400,000 Mainers, the second-highest number that have voted for any referendum question in history, that want us to implement ranked-choice voting and look forward to the opportunity to vote on the Constitutional Amendment. Thank you, Madam Speaker.