

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

Daily Edition

First Special Session

beginning April 28, 2021

beginning at page H-200

ROLL CALL NO. 377

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

NAY - Andrews, Arata, Austin, Bernard, Bickford, Bradstreet, Brennan, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Fay, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Hymanson, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Moriarty, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Perry, Pickett, Pierce, Poirier, Quint, Rudnicki, Sachs, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stover, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Alley, Blier, Cebra, Cuddy, Dolloff, Faulkingham, Fecteau, Grignon, Head, Javner, O'Connor, Paulhus, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 71; No, 63; Absent, 17; Excused, 0.

71 having voted in the affirmative and 63 voted in the negative, with 17 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-215)** 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**.

Representative SYLVESTER of Portland **PRESENTED House Amendment "A" (H-584)** which was **READ** by the Clerk.

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

Representative SYLVESTER: Thank you, Mr. Speaker. Very quickly, what this amendment does is it pulls the section of the bill which used to have a strike clause in it and now there is none. Now, the bill is simply arbitration. It is simply a fair dispute resolution between two parties seeking a fair contract. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-584)** was **ADOPTED**.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-215)** and **House Amendment "A" (H-584)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-215) and House Amendment "A" (H-584). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 378

YEA - Arford, Babbidge, Bailey, Bell, Berry, Blume, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight,

McDonald, Melaragno, Meyer, Millett, Morales, O'Connell, O'Neil, Osher, Pebworth, Perry, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Arata, Austin, Bernard, Bickford, Bradstreet, Brennan, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Downes, Drinkwater, Ducharme, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Hymanson, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Moriarty, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Perry, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stover, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Alley, Blier, Cebra, Cuddy, Dolloff, Faulkingham, Fecteau, Grignon, Head, Javner, O'Connor, Paulhus, Pierce, Prescott, Roche, Sharpe, Supica, Theriault.

Yes, 73; No, 60; Absent, 18; Excused, 0.

73 having voted in the affirmative and 60 voted in the negative, with 18 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-215)** and **House Amendment "A" (H-584)** in **NON-CONCURRENCE** and sent for concurrence.

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

SENATE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (S-343)** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "B" (S-344)** - Report "C" (2) **Ought to Pass as Amended by Committee Amendment "C" (S-345)** - Report "D" (1) **Ought Not to Pass** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Regulate Sports Betting" (S.P. 437) (L.D. 1352)

Which was **TABLED** by Representative CAIAZZO of Scarborough pending his motion to **ACCEPT REPORT "A" Ought to Pass as Amended**.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, if anybody was conscious at two a.m. this morning, you may have picked up that I am not advocate of expansion of commercial betting in Maine. I think sports betting is a little bit insidious because I know, like most people, I consider myself a sports expert. I will be voting against the motion. Thank you, Mr. Speaker.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. May I pose a question through the Chair?

The SPEAKER: The Member may proceed.

Representative **BICKFORD**: To the Good Representative from Scarborough. My question is what does this do for tethering to the off-track betting facilities and other items in the State that have been discussed?

The SPEAKER: The Representative from Auburn, Representative Bickford has posed a question to any member

who may care to respond. The Chair recognizes the Representative from Scarborough, Representative Caiazzo. The member may answer.

Representative **CAIAZZO**: Thank you, Mr. Speaker. I thank the good Member from Auburn for the question. Ladies and Gentlemen, there are 27 states currently in the United States that have a sportsbook or a sports wager program. To the good gentleman from Auburn's question, the tethering or untethering applies to the mobile application of that. So, if a company has a mobile app or a website, a tethered application would be it would need to be tied to a physical establishment, brick and mortar place in the State of Maine. An untethered would still be allowed to conduct business within the State within the regulations and the rules, however they would not need a local partner in order to do that.

Subsequently, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (S-343)** was **READ** by the Clerk.

Representative McCREIGHT of Harpswell **PRESENTED House Amendment "A" (H-732) to Committee Amendment "A" (S-343)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-343) as Amended by House Amendment "A" (H-732) 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-343) as Amended by House Amendment "A" (H-732)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

REPORTS OF COMMITTEE
Divided Report

Eight Members of the Committee on **JUDICIARY** report in Report "A" **Ought Not to Pass** on Bill "An Act To Ban Biological Males from Participating in Women's Sports"

(H.P. 682) (L.D. 926)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-730)** on same Bill.

Signed:

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-731)** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought Not to Pass**.

READ.

Representative HARNETT of Gardiner moved that the House **ACCEPT** Report "A" **Ought Not to Pass**.

Representative KINNEY of Knox **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought Not to Pass**.

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 Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. The sponsor of this bill, the Representative from Berwick who couldn't be here tonight and I both submitted similar bills. Hers moved forward. She stated she was asked to put this bill in by a grandfather who is concerned about the safety of his granddaughters and their prospects of competing in athletics in what could be construed as a national growing trend to allow transgender males to participate in female sports. She was hesitant to support the bill because of the controversy and uncomfortable conversations that would be sure to ensue. She thought about her own granddaughter, who is a college athlete and has worked extremely hard to earn athletic scholarships. She is five feet tall and 100 pounds soaking wet, she and I have similar family members; you'll hear that later. It occurred to her that if she were to be made to compete against biological males, it could very well mean she would lose competitions, trophies and, ultimately, the very scholarships she has worked so hard for. She would not be an isolated case and, in fact, nationally this has already happened to other women. Additionally, nationally, the trend has 85%-plus support for this type of legislation. I also, in my testimony, used my own children as perfect examples. Because my son as a senior in high school at six feet tall and just over 200 pounds of pure muscle, if he were to compete against his little sister, who's a freshman in high school this past year at 5'5" tall, also only about 100 pounds soaking wet, my son as a biological male, if he chose to compete as a female, he's twice as big as his female sister. He's stronger, faster, better at sports than she is. They could end up on a team where if my son had decided to compete as a female would destroy her chances of getting those athletic scholarships because she couldn't possibly compete against him in soccer, basketball, softball, track, etcetera.

A perfect example, my son did play on his high school soccer team and as a fun, friendly game every year, the boys play the girls. The girls have never won this friendly game. This past year, due to COVID, the 2020 fall game had too few girls show up to play the game in order to have an 11 v 11 game, which normally they would do. In fact, they didn't even have