

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

First Special Session

August 29, 2013

pages H-1283 – H-1300

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST SPECIAL SESSION
1st Legislative Day
Thursday, August 29, 2013

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Twenty-Sixth Legislature in extra session, the members of the House of Representatives were assembled in their hall at 10:00 in the morning and were called to Order by the Speaker.

Prayer by Reverend Jane Rich, United Church of Christ, Andover.

National Anthem by Angela Plato, Hallowell
Pledge of Allegiance.

A roll call was taken. 129 out of 154 members answered to their names and accordingly the Chair declared a quorum present.

Those absent were:

Representative BECK of Waterville
Representative BOLAND of Sanford
Representative CASAVANT of Biddeford
Representative CRAFTS of Lisbon
Representative DICKERSON of Rockland
Representative FARNSWORTH of Portland
Representative GUERIN of Glenburn
Representative HAYES of Buckfield
Representative JOHNSON of Eddington
Representative JONES of Freedom
Representative KENT of Woolwich
Representative LIBBY of Waterboro
Representative MacDONALD of Boothbay
Representative MAKER of Calais
Representative MASON of Topsham
Representative McGOWAN of York
Representative McLEAN of Gorham
Representative MITCHELL of the Penobscot Nation
Representative NELSON of Falmouth
Representative PRIEST of Brunswick
Representative PRINGLE of Windham
Representative ROTUNDO of Lewiston
Representative SAXTON of Harpswell
Representative TURNER of Burlington
Representative WERTS of Auburn

The Following Proclamation: (H.C. 282)

**STATE OF MAINE
PROCLAMATION**

WHEREAS, the Legislature of this State should meet in special session to consider legislation concerning the timely issuance of bonds; and

WHEREAS, the funds to be gained from the issuance of said bonds are urgently needed to promote the good order of the State; and

WHEREAS, the Legislature must statutorily enact legislation relating to the issuance of said bonds; and

WHEREAS, the necessity of issuing the bonds creates an extraordinary occasion,

NOW, THEREFORE, I, PAUL R. LEPAGE, Governor of the State of Maine, by the virtue of the power vested in me as Governor by Article V, Part 1, Section 13 of the Constitution of the State of Maine, convene the Legislature of this State, hereby requiring the Representatives and the Senators to assemble at nine o'clock in

the morning in their respective chambers at the Capitol in Augusta on, August 29, 2013, in order to receive communications, and to consider and determine on such measures as in their judgment will best promote the welfare of the State.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this Twenty-first Day of August in the year Two Thousand and Thirteen.

S/Paul R. LePage

Governor

S/Matthew Dunlap

Secretary of State

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative BERRY of Bowdoinham, the following House Order: (H.O. 28)

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, Governor Paul Richard LePage, and inform him that a quorum of the House of Representatives was assembled in the Hall of the House for the consideration of such business as may come before the House.

READ and PASSED.

The Speaker appointed the following Members to the Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives had assembled in the Hall of the House for the consideration of such business as may come before the House:

Representative CAREY of Lewiston
Representative SANBORN of Gorham
Representative ROCHELO of Biddeford
Representative FREY of Bangor
Representative JORGENSEN of Portland
Representative CHASE of Wells
Representative WINSOR of Norway
Representative CLARK of Easton
Representative KESCHL of Belgrade

On motion of Representative McCABE of Skowhegan, the following House Order: (H.O. 29)

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives was present for the consideration of such business as may come before the House.

READ and PASSED.

The Speaker appointed Representative BERRY of Bowdoinham to inform the Senate that a quorum of the members of the House of Representatives had assembled in the Hall of the House for the consideration of such business as may come before the House.

COMMUNICATIONS

The Following Communication: (H.C. 283)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

August 13, 2013

Honorable Millicent M. MacFarland
Clerk of the House

2 State House Station
Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (I) (a), I have rescinded the temporary appointment of Representative Jane P. Pringle of Windham from the Joint Standing Committee on Health and Human Services effective immediately.

Furthermore, pursuant to my authority under House Rule 201.1 (I) (a), I have reappointed Representative Matthew J. Peterson of Rumford to the Joint Standing Committee on Health and Human Services effective immediately.

Please do not hesitate to contact me should you have any questions regarding this matter.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 284)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

August 13, 2013

Honorable Millicent M. MacFarland
Clerk of the House

2 State House Station
Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (I) (a) and Joint Rule 371, I have rescinded the temporary appointment of Representative Jeff M. McCabe of Skowhegan as a member of the Government Oversight Committee effective immediately.

Furthermore, pursuant to my authority under House Rule 201.1 (I) (a) and Joint Rule 371, I have reappointed Representative Matthew J. Peterson of Rumford to the Government Oversight Committee effective immediately.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 285)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

August 29, 2013

Honorable Millicent M. MacFarland
Clerk of the House

2 State House Station
Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority, I have appointed the following to serve on an advisory council, and on commissions and task forces:

Commission to Study Transparency, Costs and Accountability of Health Care System Financing, Joint Order H.P. 1123

Representative Drew M. Gattine of Westbrook, Chair

Representative Erik C. Jorgensen of Portland

Representative Ann E. Dorney of Norridgewock

Representative Dennis L. Keschl of Belgrade

Representative Jane P. Pringle of Windham

Commission to Study the State Board of Corrections and the Unified County Corrections System, Joint Order H.P. 1132

Representative Aaron M. Frey of Bangor

Captain Marcia Alexander of Augusta

Sheriff Joel Merry of Bath

Greg Zinser of Alfred

Peter Baldacci of Bangor

James Cloutier of Portland

Maine Health Exchange Advisory Committee, Joint Order H.P. 1136

Representative Sharon Anglin Treat of Hallowell, Chair

Representative Linda F. Sanborn of Gorham

Representative Michael D. McClellan of Raymond

Mr. Doug Gardner of Portland

Ms. Sara Gagne-Holmes of Augusta

Mr. Kevin Lewis of Lewiston

Ms. Christine Alibrandi of Concord, NH

Mr. Gordon Smith of Manchester

Commission to Develop a Competitive Bidding Process for the Operation of Additional Casinos or Slot Machine Facilities, Public Law 2011, Chapter 699

Mr. Jack Sours of South Paris to serve as a representative of the Oxford Casino

Mr. Donald Simoneau of Fayette to serve as a representative of veterans' service organizations in the state that conduct beano or games of chance

Department Task Force to Study the Transition of BETR Program to BETE Program, Public Law 2013, Chapter 368, Part K, Section K-2(1), ¶C

William Cohen of Bucksport

Tax Expenditure Review Task Force, Public Law 2013, Chapter 368, Part S

Representative Adam A. Goode of Bangor, Chair

Representative Donald G. Marean of Hollis

Garret Martin of Newcastle

Charles Lawton of York

Cathy Lee of Westbrook

Honorable Elizabeth S. Miller of Somerville

Task Force on Adult Learners, Public Law 2013, Chapter 368, Part GGGGG

Scott Cuddy of Fairfield

Christine Greenleaf of West Gardiner

Commission to Study the Incidence of and Mortality Related to Cancer, Resolve 2013, Chapter 77

Representative Paul D. McGowan of York, Chair

Representative Megan M. Rochelo of Biddeford

Representative Carol A. McElwee of Caribou

Dr. Tracey Weisberg of Scarborough

Ms. Hilary Schneider of Topsham

Dr. Susan Miesfeldt of Scarborough

Dr. Andrew Hertler of Augusta

Commission to Study Long-term Care Facilities, Resolve 2013, Chapter 78

Representative Peter C. Stuckey of Portland, Chair

Representative Richard R. Farnsworth of Portland

Representative Richard S. Malaby of Hancock
Please contact my office if you have any questions regarding these appointments.

Sincerely,
S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 288)

**STATE OF MAINE
126TH MAINE LEGISLATURE**

August 13, 2013

Honorable Millicent M. MacFarland
Clerk of the House

2 State House Station
Augusta, Maine 04330

Dear Clerk MacFarland:

Pursuant to our authority under Joint Order, S.P. 31, we are pleased to appoint the following individuals to the Criminal Code Revision Planning Committee:

Elizabeth Ward Saxl of Manchester

Neale Duffett of Portland

Honorable Charles LaVerdiere of Wilton

Please let us know if you have any questions regarding these appointments.

Sincerely,
S/Justin L. Alford
President of the Senate
S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

Subsequently, Representative CAREY of Lewiston reported that the Committee had delivered the message with which it was charged.

The Following Communication: (H.C. 286)

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE**

August 5, 2013

Honorable Millicent M. MacFarland
Clerk of the House

2 State House Station
Augusta, Maine 04333

Dear Clerk MacFarland:

Enclosed please find a certified copy of the certification by the Joint Tribal Council of the Passamaquoddy Tribe of their agreement to the terms of P.L. 2013, chapter 91, "An Act to Place Land in Centerville in Trust for the Passamaquoddy Tribe."

This certification was timely filed within 60 days after adjournment of the First Regular Session of the 126th Legislature, as provided by the above-referenced public law, on August 1, 2013.

Pursuant to the provisions of Title 3, Section 601, a certified copy is being sent to you.

Sincerely,
S/Matthew Dunlap
Secretary of State

**STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE**

I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and that the document to which this is attached is a true copy from the records of this Department.

In Testimony Whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, August 1, 2013.

S/Matthew Dunlap
Secretary of State

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 287)

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

July 25, 2013

TO: Honorable Justin L. Alford, President of the Senate
Honorable Mark W. Eves, Speaker of the House

FROM: S/Beth Ashcroft, Director

RE: Maine State Housing Authority's LIHEAP and
WAP Programs Report

RE: Maine State Housing Authority's LIHEAP and
WAP Programs Report

Enclosed please find the final report from the Office of Program Evaluation and Government Accountability on the Maine State Housing Authority's LIHEAP and WAP Programs. The report is also available on our website at <http://www.maine.gov/legis/oepga/Reports.html>. The public comment period on this Report has been scheduled for Thursday, September 12 at 9:00 a.m. in Room 220 Cross Building.

If you have any questions, please do not hesitate to give me a call.

READ and with accompanying papers ORDERED PLACED ON FILE.

ORDERS

On motion of Representative RANKIN of Hiram, the following House Order: (H.O. 30)

ORDERED, that Representative Barry J. Hobbins of Saco be excused May 20, 21 and 22 for personal reasons.

READ and PASSED.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 533) (L.D. 782) Bill "An Act To Authorize a General Fund Bond Issue To Support Science, Technology, Engineering and Mathematics Education To Enhance Economic Development" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-584)**

(H.P. 182) (L.D. 221) Bill "An Act To Authorize a General Fund Bond Issue To Provide Funds for a Public-private Partnership for a New Science Facility at the Maine Maritime Academy" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-583)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 289)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

August 22, 2013
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:

Pursuant to our authority under Public Law 368, Part AA, we are pleased to appoint the following individuals to the Nonprofit Tax Review Task Force:

Representative Michael E. Carey of Lewiston
Senator Patrick S.A. Flood of Kennebec
Please feel free to contact us should you have any questions regarding these appointments.

Sincerely,
S/Dawn Hill
Senate Chair
S/Margaret Rotundo
House Chair

READ and ORDERED PLACED ON FILE.

Subsequently, Representative BERRY of Bowdoinham reported that he had delivered the message with which he was charged.

At this point, a message was received from the Senate, borne by Senator HASKELL of Cumberland of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

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

At this point, the Speaker recognized the Representative from Sanford, Representative BOLAND and the Representative from Waterville, Representative BECK, and they were added to the roll call of the First Special Session of the 126th Legislature.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 81) (L.D. 245) Bill "An Act To Authorize a General Fund Bond Issue for Maintenance of State Armories" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-372)**

(S.P. 226) (L.D. 636) Bill "An Act To Authorize a General Fund Bond Issue To Support Public Higher Educational Facilities" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-371)**

(S.P. 377) (L.D. 1095) Bill "An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-373)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

COMMUNICATIONS

The Following Communication: (H.C. 290)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON TAXATION**

August 5, 2013
Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk MacFarland:

Pursuant to our authority under Public Law, Chapter 368, Part AA, we are pleased to appoint the following individuals to the Nonprofit Tax Review Task Force:

Senator Rebecca J. Millett of Cumberland
Representative L. Gary Knight of Livermore Falls
Please let us know if you have any questions regarding these appointments.

Sincerely,
S/Anne M. Haskell
Senate Chair
S/Adam A. Goode
House Chair

READ and ORDERED PLACED ON FILE.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

At this point, the Speaker recognized the Representative from Gorham, Representative McLEAN and the Representative from Buckfield, Representative HAYES, and they were added to the roll call of the First Special Session of the 126th Legislature.

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

**ENACTORS
Bond Issue**

An Act To Authorize a General Fund Bond Issue for Maintenance and Improvement of State Armories and the Purchase of Land for Maine Army National Guard Training

(S.P. 81) (L.D. 245)

(C. "A" S-372)

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

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Welcome back. Happy summer. I am delighted to be here to talk about the bond issue before us, which has to do with the maintenance and improvement of our armories. As many of you know, I've served on the Veterans and Legal Affairs Committee for this is my fifth year now. Each year, we are reminded and told how much our armories are in disrepair. They are falling apart. We have sold every armory that we possibly can in order to pay for improvements in maintenance in the facilities, so we have nothing left. But this bond provides us \$14 million to invest in those armories. Not that long ago, the VLA Committee actually toured the armory in Gardiner and we were informed that it was pretty average in terms of the state of disrepair. There were armories that were significantly worse off, there were armories that were better, but, by and large, Gardiner was a really good example of what we were seeing across the state, so let me share a little bit about what we saw. The *KJ* did a great article about it. When you walk into the gymnasium, that's their drill program center. It's this giant room. There is no insulation. Half of the room – this is where they drill – half of the room is taken up with lockers. Half of the room is taken up with lockers and that's where our National Guard train in order to become prepared, not just to go overseas to serve our country, as so many of our folks did, including a gentleman who was the chief counsel for the gentleman on the second floor, but these folks train to make sure that we are prepared for disasters, things like the ice storm or Sandy and Hurricane Katrina. That's what our National Guard does and they train there, and when half of their facilities are taken up with lockers, that's a problem.

The other thing that we learned was that about half of their annual operating expenses, which I think is somewhere in the neighborhood of \$6.5 million a year right now, that's the state portion, about half of their operating expenses every year are directly related to energy costs, and of that, most of it is heating. You can imagine if you have a giant gymnasium and there is no insulation, most of the heat is going out the ceiling. So what this bond package does is it actually invests in energy efficiency, as

well as some very needed maintenance upgrades. What that means is that the energy efficiency upgrades were going to save, every single year they are going to save significant amounts of money on their energy costs. So we're actually investing, but we're ending up saving and with energy efficiency, with every dollar you spend, you get about \$3 in return which is really great because with this investment, just about every \$1 that goes into maintenance and facilities, capital investments from the state, we also get \$3 back from the federal government. Essentially, for every \$1 we're investing in this, we're getting about \$6 back in return. Some of that comes from the federal government and some of that is going to be saved in annual operating costs of the facilities across the state. Those savings then get to be put into other upgrades, other facility/maintenance issues, but also into services for our veterans, making sure that when they come home from overseas that they have the services that they need. The \$6.5 million that we currently spend on our veterans as the state portion, that provides every service for our veterans, including cemeteries and a host of other things. So that savings in the energy efficiency can go to that. I would hope that folks are going to support LD 245, the bond package for the armories. It's an opportunity for all of us to stand strong with our veterans, to make sure that they are prepared, but also to invest in our state and make sure that if and when disaster strikes, that we are ready for it. To make sure that when our folks come home from war, they come home to a safe location. When they are drilling and preparing to go for war, that they actually have the facilities that they need to be able to do that. So \$14 million is going to transition into about \$42 million, if you did the average calculation based on the federal government, but then you have the ongoing savings every single year that those facilities are going to see. It's time to stop selling our armories, it's time to stop watching them fall apart in disrepair and it's time to start investing in them, and we do that today. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of LD 245. I am a cosponsor on this bond and I was pleased to see that it was coming up in the mix of bonds that we would be voting on today. I am on the Veterans and Legal Affairs and like many people on different committees, we did do a tour, as the Representative from Portland just said, of the Gardiner armory. When Lieutenant Colonel Dwayne Drummond, the Director of Facility and Maintenance, gave us this tour, I found it kind of interesting that a building that was 60 years old had a Phys-Ed, a gym, that had a ceiling that was not insulated and the loss of energy and fuel that we pay as state taxpayers to heat that facility that's referred to as a drill room that's half full of lockers and not really being able to be used as a drill room. The other thing that kind of took me by surprise was when we went downstairs into the lower level of the armory and there was a shower room/locker room, and next door to it was a room that was taped off with yellow tape with "CAUTION DO NOT ENTER" and a door that was shut, a window you could look in, and inside the room was a former target practice shooting range within the building. They've had to lock it off because there is so much lead from spent bullets that have been practiced shooting in there, that they can't use the building anymore, that room anymore, and it's right next door to the showers. I just think that it's important that we look to spend our money wisely. This is a bond that gets lots of money in return with federal match and that is key. We need to support our troops, we need to support and we've got a group of veteran Army National Guard people that just went off to Afghanistan and they are going to be coming back to these facilities, and that's

ongoing and ongoing. These are the people, the National Guard are the people that would be going to our rescue if a train wreck happened on this side of the border, so we need to have facilities, I think, that will help make them ready where they can go. This money, I think, would go to good use with matches, and I highly support and ask for your support in the bond. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Lincoln, Representative Gifford.

Representative **GIFFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is my first year on the VLA Committee and I, too, took the tour of the armories. I realized they are in bad shape, but I am against bonding and putting money out there to do this. I think we should fund it through our state budget, it's our state militia, and I think we would fund it the wrong way by borrowing money. No way am I against veterans and I'm in full support of what they do for us and in full support of their training, but I think we're funding it the wrong way. We, as a State Legislature, should budget it in our budget. Thank you, Mr. Speaker.

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

Representative **MCCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of LD 245. Like many of the others that we will consider today, investment in our state, at this time, is critical. Our state is in need of enormous investment statewide, our infrastructure, and there is no better time than now to make these investments. During the weeks leading up to this vote, we've heard from economists, we've heard from trade industry folks, we've heard from people statewide that said sooner and more is better. So here we are today, the first of many votes, and we're heeding that advice. I also want to recognize today the efforts of Democrats, Republicans, the Chief Executive and his staff who came together, who came together to work a deal and prove to the people of Maine that we can work together. This is an investment that is at a critical time for our state. We lag behind the nation in job creation. Maine construction workers just can't afford to sit another construction season out of work. We need to get these people back to work and we need to move beyond partisan politics. The construction industry is one that has had the highest unemployment numbers and workers want to get back to work. This investment is not just about the bricks and mortar of these buildings or the concrete, or the asphalt, or about roads and bridges. This is about workers that will be trained in these buildings, the industries that rely on these workers and the roads, goods, services, bricks and mortar that mean so much to this state. Join me in voting yes on this bond proposal as well as the others. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Thank you, Mr. Speaker. I have a unique background when it comes to these armories. When I left active duty, I joined the Maine Army National Guard. In fact, I was an operations person in the group that oversaw these armories. Some of these soldiers that are employed were my former soldiers. The role of the armories, I mean I completely understand wanting to fund this out of our state budget and not bonding. I understand that. But that's not a realistic option at this point. There is matching money here. We take our part; the feds come in and offer theirs. We need to do something because when you look at what an armory is essentially for in these communities, whether it be Norway, Gardiner, Augusta, Houlton, these are critical centers for a community. If there is ever an emergency, that's the fallback position. We're supposed to be

able to help our communities using these armories. These armories are out of date. They're way out of date. The State of Maine has lagged behind for decades. They're not even safe in some instances. The water in some armories is questionable. You have to bring in water from the outside. Poland Spring has been a great contributor to the Guard in that respect. We need to update these armories. It is critical not just for the soldiers that are deploying and where they are training, but as an emergency response for each of your communities. That's why I will be supporting the bond package, reluctantly, but I think that it is the right thing to do. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. First, I want to acknowledge Representative Gifford's comment because Representative Gifford is correct. We do need to look at dealing with issues that we deal with often times in bonding as being part of our budget. That is a conversation that needs to be had, in terms of how we fund and what those priorities should be, in terms of our two-year biennial budget. That conversation, however, for this year, has passed, and I want to acknowledge the work of the Chief Executive on the second floor, his staff, and Democratic and Republican leadership in the House and the other body of sitting down and looking at what could be a responsible bond package to put out for the people of the State of Maine. When we vote on these bonds, we're not actually spending or authorizing these bonds to be issued. What we're truly doing is asking the people of the State of Maine to go to the voting booth and for them to choose whether or not they want to borrow this money and invest in infrastructure and invest in our communities, invest in our colleges and our roads and our bridges. So that's the real question today before us. It's not a question of are we going to spend it necessarily from the budget or bonding. What we're really saying is we want the citizens of this great state to ultimately make that decision. That's, quite frankly, the way that it should be.

The question before us now on this specific bill is whether or not we should be funding in a bond \$14 million for armories, and I will tell you that I am a proud member of the Maine Air National Guard. I enjoy the opportunities that it's afford me, traveling overseas to represent our state and country in service in uniform, but I will also say this. The reality is there are armories in this state that have been severely neglected. We asked our folks, our citizens, our state militia, to get up on a weekend and go to a facility that is just in shambles. In many ways, it's an embarrassment that we are asking our folks to put on a uniform, to leave their home, to leave their community and to train, to be able to fight a war, and they are in a facility that is, quite frankly, in some instances, not even able to meet the code in certain communities. I think that that's a responsibility that the state has been not doing in the right fashion. Whether or not it should be looked at in terms of bonding or in terms of the budget, we have neglected these facilities. We owe it to our men and women in uniform, who, for the past decade, we have asked, time and time again, to put that uniform on and maybe go to their local community and serve in that uniform, or maybe to go to another state and serve in uniform at a time when our country has been at war, or many times we've asked people to put that uniform on and go over and represent this great state and this great country in a warzone. If we cannot look at the responsibility that they've undertaken to represent this great state and this great nation and approve this bond, then I think we really have to look at where should our priorities be then, because I believe that we owe it to them and I will be supporting this bond. I do believe, quite

frankly, the Chief Executive has been very vocal and very supportive of this bond, and I will be voting green on this and asking you to follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker. I apologize for rising a second time. It's very uncharacteristic of me. I did want to mention, though, with the budget issue being brought up, the Deputy Commissioner Daniel Goodheart mentioned to us on that day that the current year budget is \$6.3 million for the defense for the State of Maine currently, which is \$3 million less than it was five years ago. So if we were spending money and budgeting for it, then I think that would be fine, but we haven't been and we need help with the bond to kind of get us back on track and I would appreciate you to vote in support of it.

Representative **BERRY** of Bowdoinham **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: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **BROOKS**: Can anyone here inform me as to who owns the armories? Are they state or are they federal?

The SPEAKER: The Representative from Winterport, Representative Brooks, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. I rise to answer the question from the good Representative from Winterport. The states actually own it, but we have a relationship with the federal government where we spend 25 percent to pay for maintenance and upkeep and the federal government kicks in another 75 percent. It is actually an interesting question though because we have gone officially from a strategic force, meaning that we only go in and work on federal issues as per when requested to an operational force, which means that we are on a sustained part of the military. So it's certainly a question that needs an answer, but, at this point, the state actually owns the armories. We just get a significant federal match to support that when we invest 25 percent.

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.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 457

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Cotta, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Evangelos, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Longstaff, Luchini, MacDonald S, Malaby, Marean, Marks, Mastraccio, McCabe, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Rankin, Rochelo, Russell, Rykerson, Sanborn,

Sanderson, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Espling, Gifford, Jackson, Long, McClellan, Reed, Sirocki.

ABSENT - Casavant, Clark, Crafts, Dickerson, Farnsworth, Goode, Guerin, Johnson D, Jones, Kent, Libby A, MacDonald W, Maker, Mason, McGowan, Nelson, Priest, Pringle, Rotundo, Saxton, Turner, Werts.

Yes, 122; No, 7; Absent, 22; Excused, 0.

122 having voted in the affirmative and 7 voted in the negative, with 22 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Bond Issue

An Act To Authorize a General Fund Bond Issue To Support Science, Technology, Engineering, Mathematics and Nursing Education To Enhance Economic Development

(H.P. 533) (L.D. 782)
(C. "A" H-584)

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

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

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of LD 782. LD 782 will provide much needed investments in the University of Maine System, one of the most important economic engines in the state. In addition to investing into our roads and bridges and our buildings, we have to invest in our people. This bond is about our workers and our workforce. It's about students who will go to our universities to get the skills they need to compete in today's economy. Our business community tells us that Maine's educational system must remain competitive, especially in the important STEM fields – science, technology, engineering, and math. So please join me in voting for LD 782.

The SPEAKER: The Chair recognizes the Representative from Lubec, Representative Cassidy.

Representative **CASSIDY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of this critical bond for the University of Maine System. LD 782 will move Maine forward. This \$15.5 million bond will make improvements possible at the system's seven universities in Orono, Augusta, Farmington, Fort Kent, Portland, Presque Isle and, in my district, Machias. The System faces a growing backlog of deteriorating facilities. Nearly 70 percent of the University System space has a renovation age of more than 25 years. A system official has told us that strategic investments lower operating costs, which ultimately affect taxpayer and tuition dollars. This bond will allow construction workers to put on their tool belts and get to work in these communities. But the benefits of LD 782 will ripple far beyond the immediate communities as well. These upgrades will allow Maine to progress in the STEM fields – the science, technology, engineering, and math fields – that create desirable jobs and opportunities. The projects include renovations of STEM spaces such as science, nursing and GIS labs. In Machias, the bond will support structural work and other improvements to a main building and laboratory upgrades.

I know this will make a big difference for my community and I imagine that the same goes for the projects at each one of the universities. Please join me in supporting these smart investments for our future.

Representative McCABE of Skowhegan **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.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 458

YEA - Beaudoin, Beaulieu, Beavers, Beck, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dill, Dion, Doak, Dorney, Evangelos, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald S, Malaby, Marean, Marks, Mastraccio, McCabe, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Noon, Nutting, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Rankin, Rochelo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Welsh, Willette, Winchenbach, Winsor, Mr. Speaker.

NAY - Ayotte, Bennett, Cotta, Cray, Crockett, Davis, Dunphy, Duprey, Espling, Fitzpatrick, Gifford, Jackson, Lockman, Long, McClellan, Newendyke, Parry, Pease, Reed, Sanderson, Sirocki, Timberlake, Wallace, Weaver, Wilson, Wood.

ABSENT - Casavant, Clark, Crafts, Dickerson, Farnsworth, Goode, Guerin, Johnson D, Jones, Kent, Libby A, MacDonald W, Maker, Mason, McGowan, Nelson, Priest, Pringle, Rotundo, Saxton, Turner, Werts.

Yes, 103; No, 26; Absent, 22; Excused, 0.

103 having voted in the affirmative and 26 voted in the negative, with 22 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Bond Issue

An Act To Authorize a General Fund Bond Issue To Provide Funds for a Public-private Partnership for a New Science Facility at the Maine Maritime Academy

(H.P. 182) (L.D. 221)
(C. "A" H-583)

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

The **SPEAKER**: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of LD 221, which will inject \$4.5 million into the Maine Maritime Academy for a new science facility. MMA is career focused on the highest quality maritime engineering technology, marine

science, and logistics education with facilities and laboratories that are on the leading edge of technical innovation, yet hasn't built a new building in 30 years. During that time, its population has tripled and demand for skilled workers has increased. MMA trains captains and crew for the Maine State Ferry Service, Prock Marine, Casco Bay Ferry and other Maine businesses. MMA grads also hold good paying jobs in the maritime and engineering industries all over the country. Many do so and still reside in Maine. Maine Maritime is a positive economic force for Maine and has earned this investment. I urge you to support this bond. Thank you, Mr. Speaker.

Representative McCABE of Skowhegan **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**: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues of the House. As you know, there are three public institutions of higher education in our state – the University of Maine System, the Maine Community College System, and the Maine Maritime Academy. Each of the first two have seven campuses. The Maine Maritime Academy has one. It's in my district. I'd like to make two quick points about the Maine Maritime Academy. The first is this bond issue for \$4.5 million is only a small fraction of the total cost of the new science facility. It's a public/private partnership, which is purchasing the facility. The second point that I'd like to make is that the very high placement rate of Maine Maritime Academy graduates is a real economic engine for the maritime-related businesses associated with our state, so I urge your support for this bond proposal. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, this is a bill actually that I put in as a result of a conversation that I had with the President of Maine Maritime Academy. I represent the Newport area, and RSU 19, we've had a lot of graduates from our area go to Maine Maritime Academy. I'm originally from Downeast Maine. I've had a lot of friends and neighbors also attend from that area. I think it's important to note that 70 percent of the students that go to Maine Maritime Academy are Maine students, and in many cases, these are first-generation college students and these are students who have an opportunity to go to a fine institution, to get a good paying job, and many of those people ship out for 30 days and they come back home for 30 days. They're spending money here in Maine. They're building families in Maine because they have an opportunity to get a good paying job where they can actually come back to Maine, keep their roots here in Maine. I think it's an important part of the overall educational investment that we need to have in Maine and, as the good speaker just noted, this is a public/private partnership. This is approximately a \$14 million project. We are only investing about \$4.5 million in this. Quite frankly, I think the institution has stepped up to raise approximately \$9 million towards really this investment in this community that will create lots of jobs that will, in the long-term, provide lifetimes of opportunities for young people here in the State of Maine. I will be voting green and ask that you support this bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Pouliot.

Representative **POULIOT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. It's good to be back. I'm now a married man, so life has changed a little bit for me over

the summer. But, as a member of the Education Committee, I just wanted to get up and speak a little bit about Maine Maritime Academy. I think often times we forget about this wonderful asset that we have in this state. I was fortunate this summer to take a ride on the *TS Maine* and we were just blown away by the level of professionalism of the students who attend this school. Many of these graduates end up going off and taking really, really good paying jobs outside the state, but they reside here in Maine and contribute to our economy. As a member of the Youth Caucus, I am constantly focused on ways to keep young people in this state, and I think an investment in the Maine Maritime Academy is one way that we can do that. I hope that you will all support this bond and I thank you for your time.

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.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 459

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Cotta, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dion, Doak, Dorney, Evangelos, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Longstaff, Luchini, MacDonald S, Malaby, Marean, Marks, Mastraccio, McCabe, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Rankin, Rochelo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Dunphy, Duprey, Espling, Jackson, Long, McClellan, Reed, Sirocki.

ABSENT - Casavant, Clark, Crafts, Dickerson, Farnsworth, Goode, Guerin, Johnson D, Jones, Kent, Libby A, MacDonald W, Maker, Mason, McGowan, Nelson, Priest, Pringle, Rotundo, Saxton, Turner, Werts.

Yes, 121; No, 8; Absent, 22; Excused, 0.

121 having voted in the affirmative and 8 voted in the negative, with 22 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Bond Issue

An Act To Authorize a General Fund Bond Issue To Invest in the Maine Community College System

(S.P. 226) (L.D. 636)
(C. "A" S-371)

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

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of the pending motion.

This bond for the community college system is part of today's bipartisan package of votes in which we can all take pride. It shows how we can put aside our differences for the good of Maine people. In this case, the focus is on Maine workers and on the students who will be the workforce of our future.

This investment dovetails nicely with the work of the Joint Select Committee on Maine's Workforce and Economic Future – another great example of bipartisan cooperation. The Workforce Committee's legislation increased training opportunities and helps workers upgrade their skill sets. Community colleges play a key role in both initiatives.

Maine's workforce is vital to the success of our middle class and our economy. Our state faces a skills gap today – a mismatch between the current skills of the workforce and those needed by our employers. We know that Maine needs an additional 15,000 highly skilled workers to remain competitive in the global economy. The community college system is vital to getting us where we need to be.

This \$15.5 million bond will allow community colleges in every corner of the state to renovate aging facilities and build additional space. It would go towards upgrades of classrooms and computer and science labs. With these improvements, an additional 2,400 students will be able to enroll. Mr. Speaker, these are the students who will help meet the demand for skilled workers and fill the jobs openings resulting from retirements.

Our community college leaders have described enormous need. Enrollment has nearly doubled over the last decade while the amount of space has changed very little.

Here's just one example of the kinds of situations students are facing. At Kennebec Valley Community College up in Fairfield, students in the precision machining lab are today using outdated machinery from the 1980s, three decades old or more. This at a time when workers and employers need the most up-to-date skills to be competitive.

Today, we have the opportunity to move our state forward with this bond. But this proposal also gives us a chance to ask, "What next?"

One of the answers to that question is research and development. While we aren't voting on such a bond today, we will be able to pursue that soon. It will help develop the fields that produce desirable jobs, the kinds of jobs that will provide opportunity for our young people and help our state prosper. Over the coming months, I hope we'll consider the role that R&D needs to play in tomorrow's economy as well.

For now, however, I urge you, Mr. Speaker, and all of my colleagues in the House, to vote yes on the proposal before us. Mr. Speaker, I also request a roll call. Thank you.

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

Representative **KORNFIELD**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of LD 636. This \$15.5 million bond will allow Maine's community colleges to pursue much needed improvements. These improvements are not just about buildings. They are about providing students with the resources they need in a competitive economy. These community college students will become the workers that employers and our economy depends on. These are also the students who stay in Maine and in our communities.

All seven colleges in the System will benefit from LD 636. They will be able to expand and renovate classrooms and labs used for STEM fields. They need the space to accommodate the increased student population of the system and to provide student body with updated learning environments. As we heard from one community college leader, this bond is a triple win for the state. It will put community college graduates to work as carpenters, welders, plumbers, electricians. It will allow more than 2,000 more students to enroll. It will help Maine meet the demands for skilled workers. The community college system has always been underfunded, but the new paradigm that we are working on now is a big shift and the community college system is an integral part of the new pathway where students can smoothly go from high school through college to a job. I urge you to vote yes on this bond. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, I will be supporting this bill, in spite of the fact that Gary Crocker represents this institution. Quite frankly, when I attended graduation at Nokomis Regional High School this year, I was amazed that out of 160 graduates graduating from Nokomis Regional High School, about every other person that was going on to higher education from that rural area – there is a lot of poverty in our area – about every other person that was going on to higher education was being enrolled at a community college. So the community college system is a pathway for many of our people in the rural areas and for people that do not have the financial means to either attend a private institution or even the University of Maine. Then, lastly, I would simply say that our community college system has partnered with our University of Maine System so that many of our students, who, again, many of them are first-time graduate attendees or attendees at a post high school institution, that these individuals are being able to go there and get a two-year degree and then transfer into a four-year degree program at a university. It provides them with a reasonable efficient and affordable way for them to get a higher education. I commend the university and for the community college for bringing this partnership together, which is providing an opportunity for our young people to stay here in Maine, because we know that we've lost many of those manufacturing jobs and if we want our young people to stay here in Maine, we need to train them. I think that the community college is one of the best ways that we can do that because not only are we also investing in our community colleges, but also the greater system that they all are involved in. I will be voting in favor of this and I'll be asking you to follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in support of the measure before us. As a member of the Education Committee, I wanted to echo what the good Representative from Bangor said, so ditto on that element. But I also wanted to rise to specifically speak to the element that will be going to SMCC in Brunswick. With this bond measure, \$3.4 million would be going right into my backyard and help retrofit and rehabilitate the buildings at now Brunswick Landing, which was formerly the Brunswick Naval Air Station. I've seen firsthand what's going out of SMCC. This is an incredible opportunity for my community. It will be an absolutely amazing economic engine. I can't even begin to describe how excited I am to vote for this, and I urge you all to support this measure and also a ditto to what the good Representative of Augusta said about the measure for the

Maritime Academy. This is also a Youth Caucus issue. As everyone today has said, our community colleges are our front line to get folks trained and to go to work, and this is an opportunity to get Mainers back to work. Please follow my light.

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.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 460

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Cotta, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dion, Doak, Dorney, Dunphy, Evangelos, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Longstaff, Luchini, MacDonald S, Malaby, Marean, Marks, Mastraccio, McCabe, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Rankin, Rochelo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Ayotte, Duprey, Espling, Jackson, Long, McClellan, Reed, Sirocki.

ABSENT - Campbell R, Casavant, Clark, Crafts, Dickerson, Farnsworth, Goode, Guerin, Johnson D, Jones, Kent, Libby A, MacDonald W, Maker, Mason, McGowan, Nelson, Priest, Pringle, Rotundo, Saxton, Turner, Werts.

Yes, 120; No, 8; Absent, 23; Excused, 0.

120 having voted in the affirmative and 8 voted in the negative, with 23 being absent, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1087) (L.D. 1515) Bill "An Act To Increase the Availability of Mental Health Services" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-585)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

On motion of Representative BERRY of Bowdoinham, was **REMOVED**.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-585)** 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 BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED 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 Winterport, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to speak to this amendment. I want to speak to this bill as amended. Is this the appropriate time?

The SPEAKER: The Chair would answer in the affirmative. The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. I'm not real sure of how to even start this and I apologize for saying in the meeting this morning that I wouldn't speak to this, but I've reached a point where someone has to start speaking up. I understand the committee's pressure; I understand the pressure that they feel from the federal government regarding a \$20 million cut if we don't do certain things by September 3rd. I also understand that there is some pressure coming from the Chief Executive. Well, it probably comes to no surprise to any of you in this room that I don't do well under pressure, that if I feel strongly opposed to something then I'm going to get up and speak. I can't tell you how opposed the limits, I cannot begin to express my disappointment that we're doing this. Mr. Speaker, Ladies and Gentlemen of the House, we are turning the clock back 50 years, maybe 100 years, on dealing with the issues that currently exist over at Riverview. I understand and I do sympathize with the folks who work at Riverview and the issues that are going on with folks who are there because of their mental disease or mental disorder. I also understand that there has been some significant publicity about this with folks who are coming in and using tasers and restraint. I have observed in Acadia Hospital. As a matter of fact, I, because of working with a young man on his treatment team, I watched as people went through the training on four point restraints. I watched as people were attempting not to get bitten or kicked or slapped or, if there was a weapon, hit with a weapon in Acadia Hospital. They were all dealt with appropriately. Nobody used a Taser.

This takes me back to when I first got involved with a bit of politics in the early 1970s. I met a guy named Joe Saxl and Joe Saxl, God love him, is no longer with us and neither is his beloved wife Jane who served in this body, sat in the seat that I occupy. Joe Saxl went to BMHI as its superintendent, then called BMHI, now Dorothea Dix, and when he was there at a press conference, tore open the windows and said, "No longer, no longer will anybody be shackled or tied up or left in a dark room because they have a mental illness," and it began to change the thinking, at least in Bangor, and I think all across the country, that we deal with people who have an illness. All this is doing, from my perspective, is treating mental illness as a crime. It is not a crime when something happens to you when you have a head injury. It is not a crime when you are born with a mental illness. It is not a crime. In most cases, it is a treatable condition. If you will think back in the history that I'm sure you've all read, you can remember 100 or so years ago where because people misbehaved, you put them in shackles in the town square. If you've ever read about some of the old mental institutions, you knew that people who had diseases and people who had mental illness were locked in rooms because people were afraid of them. We have come so far in erasing the stigma of mental illness, and

now what are we doing, we're taking a step backwards 100 years or 50 years. Joe Saxl must be rolling in his grave. He worked so hard while he was superintendent of BMHI to bring those people out in the light and show them if there is anybody at fault, we are. Maybe not this particular group of folks who serve in the House and in the other body, but over the years, you know what we've done with mental health funding. How many of you heard from your local sheriffs about "I'll deal with kids who highjack cars and I'll deal with this, but we're having a heck of a time with people with mental illness because there is no place else to go." We've all but shut down BMHI in Bangor and it's got what, 50 or 60 patients now, and a handful of staff. There is a forensic unit in BMHI, so if you're talking about bricks and mortar, it's there. There isn't staff now, there isn't anybody there, but take 14 people out of this bill and put them up there and it won't take long before people are being treated appropriately.

As a member of a recovery group and you all know what that is because I've said before I am in recovery. I am an alcoholic. I put on meetings in the forensic unit at BMHI. I held hands with murders. I held hands with the guy, for example, who robbed a bank, I think, in Mars Hill, dressed as a woman and he was put in BMHI because of a mental illness. Some of those people and I don't know of the two that I'm talking about right now have been treated and they've gone out into society. Part of my mission as a recovering alcoholic was to go to Maine State Prison when it was in Thomaston and put on meetings. I will admit to you that most of the inmates who came were there for the brownies and not there to listen to how much better they could get, but I want to tell you going to BMHI and going to Maine State Prison is no comparison. When those gates slam behind you at the state prison, be it in Warren or the old one in Thomaston, there's a finality to it all. They are trained down there to have people serve their terms. You do the crime, you do the time behind locked doors. What are saying about mental illness? Even those out of control, what do we say? Because they're out of control, now they go to state prison? Good Lord. Talk to psychiatric people dealing with mental health. Is that the setting? From now on, we're going to hire 14 people and send them to Maine State Prison so that they can treat people for mental illness. Oh, good Lord. Good Lord. If the problem is at Riverview, then fix the problem at Riverview and I understand that if we do fix this problem, it's not over. There are beds at Riverview that still won't be certified because there are other issues there from CMS. We can begin now. I don't do well with deadlines either, by the way. Go ask my former editor who has set deadlines for me every day. I don't like September 3rd deadlines when we are in here for a specific purpose, to pass bond issues, and we get this thrust on us. How are we going to understand the consequences of this? How are we going to be asked intelligently to vote on this? There is other options. There are other ways. But for God's sake, let's not turn the clock back and treat people, who through no fault of them, they have a mental illness. Some of those people are dangerous. Some of those people will hurt the people that work with them. Talk to people who worked at BMHI, talk to people who currently work at Acadia and they will tell you that. Some are out of control. The first thing you do it you get the four-point restraint training. It tells you how to hold people down with their arms and their legs so that they can't hurt you, and then next is their mouth so they can't bite you. Talk to them. Some of that treatment works, not always, but some does. There are risks in that business. There are a great many more risks to put them in a facility. Has anybody in here toured the Warren Prison? I have. I can't imagine living in a prison like that where many of the cell blocks, you sit in there all by yourself 23 hours a day and you get out and walk around. There is an attitude down there.

These people did a crime, a serious crime, and they should be locked up until their time is up. How can you say that about people with mental illness? Two very, very close people to me, I had an aunt who was in BMHI for 20 years. I hope they don't mind, but my wife's father was there for many years. I hope they don't mind me telling you that. There was no question they both needed to be there. They were not criminals, but my aunt walked the halls as sometimes endangered patients. They're not criminals.

Earlier today, I heard somebody say that we're shooting at a target that has no bull's-eye. Boy, what a way to sum it up. Here we are to take a look at a bill that is a direct result of CMS coming up here and giving us some bad points on Riverview, and coming up with this is an answer when it's not an answer. It certainly isn't to me. I'll tell you right now and I'll go on record as saying so, if any of my relatives are put in this place, the first thing I'm going to do is sue the state. There is a violation of my civil rights or the patients' civil rights. If they're criminally innocent, if they have a mental illness, why would you want to put them in a prison for God's sake? Put them in a rehabilitation facility. Don't throw the key away on them. Don't make them come out of that facility at some point, if they do get rehabed, and try to find a job and say "Oh, I didn't have a job in the past five years because I was in Maine State Prison." Why don't we just extend it for the criminally insane? I am absolutely beside myself. When I spent as much time with Jane Saxl and followed up on a lot of what Joe Saxl was doing, I served on a dual diagnosis committee at BMHI. Dual diagnosis, and that's doesn't mean alcohol and drugs, by the way. It could mean alcohol and a substance or it can mean alcohol and mental illness. One of the things that they said is that rehabilitation for all of us should be available. If you commit a crime and the judge says, "This person is not capable of standing trial," there should be some rehabilitation available. If the judge sentences you to Maine State Prison, then you're there. Let them take care of them in the forensic unit. But do not send people who have committed, either through their own will or through the court system to Riverview or any other psychiatric unit to Maine State Prison. I guess the only other thing I can say is, to me, this bill does one thing and I will vote against it. Every time I get an opportunity, I will speak against it because it makes mental illness a crime and my God, who are we to say that? Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative SANDERSON: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Hancock, Representative Malaby, unfortunately, had to leave early today, so I would just like to present what he wanted to share on the chamber floor with you today. It says:

"Thank you, Mr. Speaker and Ladies and Gentleman of the House. I rise today to hopefully bring some clarity to the issue of LD 1515 and the seeming crisis at Riverview Psychiatric Center. In May Representative Malaby was asked by the administration to sponsor LD 1515. This bill sought to alleviate a major bottleneck within the correctional system: the increased need for psychiatric services by jailed individuals. This bill proposed a bold collaboration between the Department of Corrections and the Department of Health and Human Services in which the DOC provides space, security and correctional officers at the Maine State Prison in Warren and Riverview Psychiatric Center will help provide mental health staff, programming and services.

"Overcrowding at county jails is a major issue and one which has been exacerbated by the lack of beds at Riverview Psychiatric Center as the demand for forensic beds has

exceeded that institutions capacity. Likewise our community hospitals were often holding civil patients in their ED Departments as patients waiting for beds to open at Riverview. LD 1515 would help relieve Riverview's and the jails overcrowding by allowing for admission into the mental health unit at the Maine State Prison for the following individuals: Inmates from county jails who meet the criteria for an in-patient psychiatric bed. Inmates for whom court order evaluations currently are performed in county jails. Those incompetent to stand trial who pose a likelihood of serious harm to others were to be included, but a recent agreement today to provide alternative relocation options other than the Warren unit has been reached to accommodate these folks. Those who require an observation at Riverview who pose a likelihood of serious harm to others.

"This collaboration will also address the concerns for safety of the staff at Riverview Psychiatric Center, as the staff there sustained 65 injuries at the hands of forensic patients in 2012. [I am going to insert here, in the stakeholders group we had the other day, a gentleman from the DRC, he did note that were some aggressive behaviors from civil patients who will not be sent to this unit. However, I asked Superintendent McEwen if she had the resources to dedicate to the civil population, which were not being utilized to ensure the safety and the wellbeing of other lower risk patients from the forensic patients who have a tendency to be aggressive, would she be able to meet that demand for resources. She said, "Yes, it would. It would be able to help."]

"In addition to specifying who might be qualified for admission to the mental health unit at the Maine State Prison in Warren, LD 1515 also provides the enabling legislation to the Corrections statutes that permits the involuntary medication of a person with a mental illness. This language perfectly mimics the language, which is already within our civil statutes. [It's no more, no less. It mimics what we already have in place.]

"LD 1515 is an innovative method to address the problem of the growth of mental health needs within our county jails and Riverview. This is a mode that has already been adopted by several other states. [Many of our neighboring New England states are doing this now.] This population requires special security and specialized mental health services. LD 1515 was worked very hard by many advocates, advocates from the DRC, the ACLU as well as the attorneys for Riverview and DOC. Ultimately a compromise was reached and addressed by most all the concerns for all of the advocates in the first half of the session. The bill was passed unanimously by the Criminal Justice and Public Safety Committee and went under the hammer in both this chamber as well as the chamber at the other end of the hall. The bill enjoyed the support of the MSEA, the MHA Behavioral Health Council, the Maine Hospital Association, the Kennebec County District Attorney, the Board of Corrections, the Consumer Council Serving Maine, the Sheriffs Association, Judge Dan Walthen, the Maine Medical Association, NAMI, Liberty Health and the AFSCME.

"As you are no doubt aware, LD 1515 was not included in the budget but was carried over. Now that we are finding that the overcrowding of forensic patients at Riverview has created problems that were identified in a CMS audit. Problems that threaten the federal funding for Riverview. Problems that require our immediate attention. [Passing this bill will not correct all the problems, but it does give CMS a good look at what we are trying to do as a good faith effort on the long-term to help make sure that many of these folks receive timely assessments and stabilizing medications and time to be able to get them back to where they need to be before things are escalated.]

"Some of the CMS findings concerned the following primary issues: Administrative findings-related to documentation and charting. [We know that's an issue. It has been addressed. The Department is confident those have been addressed appropriately.] Physical plant findings. [The Department is confident those have been addressed appropriately.] Also, the consequences of the overloaded forensic patients and the concomitant use of physical restraints and typical law enforcement tools used to manage aggressive patients.

"The short term response of the Department has been to decertify 20 beds on the Lower Saco Unit, which are being used exclusively for court ordered patients. [What it means to decertify these 20 beds is these 20 beds will no longer be eligible for federal reimbursement. We can only get federal reimbursement for the civil clientele, which is not a person who has been brought through, already through the corrections system, and that's a big thing to remember when talking about forensic patients. These folks are already entered into the corrections system. We're not putting civil patients down into a correctional facilities unit.]

"The longer term fix for the issues at Riverview is the enactment and funding of LD 1515. This will allow for the responsible treatment of patients at the Maine State Prison Mental Health Unit for those who can't be safely managed at Riverview. [This also allows Riverview to ensure the safety of the civil clientele as well as the many forensic patients who will still be housed there to be able to do so in a safe environment.]

"Let me be clear," says Mr. Malaby. "Enacting LD 1515 will not guarantee that Riverview will not suffer a funding loss due to their inability to remedy the deficiencies cited in the CMS audit. [However, as I said, the Department is confident that they've met a lot of the criteria. However.] LD 1515 will have long term positive impacts on Riverview, our forensic jail populations and our hospitals. Providing the proper psychiatric care to patients at the Maine State Prison will lessen the burden on the Riverview staff and create a more therapeutic environment for civil patients being treated at Riverview [as well as the remaining forensic patients who will still be utilizing that facility.] LD 1515 also demonstrates a good faith effort to CMS that we are serious about addressing our forensic over-crowding and bringing Riverview back to the original balance between civil patients [and forensic patients for which it was originally designed.]" Thank you.

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

Representative **DION**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of LD 1515, but I begin by reminding this body that this is an emergency provision. One hundred and one of us have got to decide today that this is the right course of conduct, and it's interesting, the term "emergency" to the outside world means something is going to happen tomorrow, but, in fact, this emergency, if passed, will only begin to see its result in February 2015. So our emergency response of the men and women who are, as my good colleague from Hancock would say, shackled in a jail cell somewhere in Maine, will only get relief from that condition some months from now. This has been a 10-year crisis in the making. People who are violent and mentally ill have been housed in jails and to the best abilities of sheriffs who brought those issues to the court, little or no relief has come forward. Yes, they've received papers ordering the transfer of that patient to Riverview in a reasonable time and, at such time, that Riverview has the capacity to take that patient, and I dare say, at times, that took weeks in its own right, but the violence was such that even Riverview was unable to manage and the

patient/inmate detainee, whatever label we want to attach to that individual in crisis, was returned to the sheriff.

When 1515 came before Criminal Justice and Public Safety, it was designed to respond to that revolving door between Riverview and the Sheriff's office, and in that overnight of 10 years plus, both parties, Riverview and the Sheriff's, capacity to deal with this has deteriorated. That's the emergency. It's not going to get any better, ladies and gentlemen. As a matter of fact, it's gotten worse with each progressing month and year. Think about it, an emergency that has taken us over a decade to react to. That's what we're voting on today. When the Criminal Justice Committee looked at this, we worked with the stakeholders, we came up with the proper language, we brought it before this body and as my colleagues have suggested, we passed that with not much discussion. Now, in the meantime, that deterioration surfaced at Riverview in the form of a CMS report and some of that addresses management and practices and the general plan of care for patients, and some of it spent a lot of time talking about the Taser. If you read the report, it wasn't the application of the Taser. It appears that the writer recognized that the facts supported that type of intervention for the violence that was being presented. Their concern was that the display of the Taser and its result was unsettling to other patients. Well, let me assure you. The decision to use that Taser is unsettling for the staff as well, and that's what 1515 was intended to do and somehow it's been married to the CMS issue. I think everyone agreed in the interim that it's but one small piece of a bigger problem that my friend from Hancock has spoken to and I think has merit and we have a responsibility to address in the sessions ahead. That's the key. But today, we have an emergency. I ask for your support in this emergency for 1515. For those of you that are concerned about what's occurred at Riverview, I share that concern, and others have had their voice heard and we've included a provision in the current bill that allows for a more timely oversight of the process that will be applied to bring Riverview into compliance and meet our expectations. But we have to start today so something can happen tomorrow. It's that simple. We can have a wonderful debate on the ideology of mental health treatment, but we have an emergency. I ask for your support. I ask for you to validate and ratify what leaders on both sides of the aisle have come to see as an acceptable solution to this immediate problem. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today to ask you to support the pending motion and explain some of the recent history around this bill and the issue that brought it before us today. We address this issue today because of the pending threat of losing \$20 million dollars in federal Medicaid funds, which is scheduled to take effect on Tuesday. This bill before us may play a small part in addressing the findings of a June 4th report from the Center on Medicare and Medicaid Services. I would like to emphasize today that this bill alone does not solve the significant human rights, management, governance, and staffing problems at Riverview.

As the Riverview Superintendent said on Tuesday to a bipartisan group of nine legislators, and which was reported on the media, "It's two separate issues, LD 1515 and CMS," McEwen said, "so there is a small portion where they intertwine." Ironically enough, these two issues both had their formal beginnings in the same week over 100 days ago. Three days before the 1515 public hearing, federal government auditors

completed their inspection of Riverview that gave rise to the 93-page report. The two issues seemed not joined at that time based on the Riverview Superintendent's testimony, which referenced neither the federal inspection, the corrective actions already completed, nor the potential threat to federal funding.

Two weeks ago today the administration issued a news release, which alerted the state for the first time, that a \$20 million loss of federal funds was imminent. That was from a letter sent to the administration 75 days before. That letter included the 95-page report detailing the deficiencies found in the inspection. Let me quote from that report: "the hospital failed to ensure that patients were free from all forms of abuse and harassment based on inappropriate use of tasers and handcuffs."

The hospital did not comply with the Maine DHHS Rights of Recipients of Mental Health Services which states in part, "Recipients [may] not be subjected to physical abuse." "The hospital failed to have an effective governing body legally responsible for conduct of the hospital as an institution." The report went on to further specify such things as "compliance with hospital's policies," "patients rights [being] protected," "effective, ongoing, hospital-wide, data-driven quality assessment," and "hold[ing] the medical staff responsible for the quality of care." "The Chief exec... failed to manage the hospital to ensure compliance with the hospital's policies and procedures." "The hospital did not protect and promote patient rights."

Such failures, and the threat of losing \$20 million, are a fundamental breakdown of management and governance of a state institution. The bipartisan group of legislators received testimony on Tuesday from experts that inadequate staffing is to blame. Whatever the mix of management, governance, inadequate staffing, the human rights violations are unacceptable and require the continued attention of this administration and this body.

The bill before us today has not been referenced in any of the five formal documents the DHHS has exchanged with CMS. Three plans. One plan, three amended reports, and then two denials of the first two plans. The administration believes, as the superintendent stated, "there is a small portion where these two issues intertwine."

One of the responses to the first plan of correction, the federal government responded that a "systematic improvement of the [governance, management, and human rights issues] was not included." We have yet to see whether the latest submission, which was set last week, focused on such a plan.

In the two weeks since the administration announced the threat of losing \$20 million, I have been extremely concerned about its focus on such a small portion of the management, governance, staffing, and human rights breakdowns at Riverview. About two hours ago, the Commissioner of Health Human Services offered the Appropriations Committee assurances that I appreciate and I look forward to collaborating with her on. She shared with the committee that she is hiring independent, outside advisors to comprehensively assess Riverview. The outside advisors will look to the hospital's governance, clinical diversity in developing treatment plans, both staffing levels and staffing mix, and the day-to-day operation of the facility. She will task them with moving towards a recovery model rather than the current model. In response to whether the findings will be fully funded, she assured the committee that addressing the issues identified in the CMS report is "one of the top priorities of the department." It is with her assurance and the committee's commitment to move forward with the oversight that is laid out in this bill today that I ask for your vote and I ask for you to support the Unanimous Committee Report. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Morrill, Representative Pease.

Representative **PEASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I apologize for not having something written, but I hadn't planned on speaking to this. I urge you to vote for LD 1515. None of us in this room feels that this is the answer to our mental health issues that we have in the State of Maine. Those are ahead of us and they are a long range behind us and they are a long range ahead of us to fix. But one of the things I did want to clear up, the forensic unit that would be used at the Maine State Prison, we had the opportunity from the Criminal Justice Committee to view that this winter. This is not just a cell. This is not a typical prison setup. This is a hospital part of the Maine State Prison that was built into the prison based on federal and state guidelines a number of years ago. It has never fully been utilized for anything because it hasn't had the staff. What this bill does is allows us to utilize this for forensic patients, forensic patients only, and to provide the mental health staff to work with them. That's the piece that I think we're forgetting about it, is this is a unit that's there. It's there, it's immaculate, it's state of the art. The problem is we don't have the staff and that's what this bill does. It provides the staff that can work down there, removes these forensic patients from Riverview and house them where they can be taken care of, both from the mental health side, for the security of themselves, for the security of the staff, and for security of other patients in Riverview. Thank you very much.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I didn't want to speak, but I feel very strongly about this. I'm going to be supporting this and I really think that folks put a lot of work into it, but I share the concerns about the long-term vision. I also share the concern that we have been seeing this come for some time. I don't see this as just an immediate crisis. I see this as a symptom of a much bigger crisis that we have chosen, over the years, to underfund and not actually look at. That which you do to the least of me, you do to me. That is exactly what we are voting on today. I think that we should be looking at a comprehensive analysis of our entire mental health system and I would hope that the presiding officers would consider doing a Joint Select Committee to take a look at this because this, I think, just the start of something, that it's going to continue to come and we need to look at, and I would hope that the committees of jurisdiction would have the full faith and support of both bodies to be able to do that and to do right by this. Because this has been an issue that has been developing since we decided to put people out on the streets, through the community service side of things, and then underfund that project. So I have to say that we have done a serious disservice over the years and I would hope that we would look comprehensively in a big picture with a full focus on the outcomes of our mental health system. I am going to support this, but with serious reservations.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I have shared many of the concerns that have been raised by those that are worried that what is before us does not address the complete problem, and I very much appreciate the comments and assurances that have been made by the Representative from Lewiston, Representative Carey, because I think that it's incredibly important that not only members of this body but also the administration and the Chief Executive are equally committed to that long-term vision and to

the funding of that. So with that said, I do have a question that I would like to pose to those who have been serving on the committee, in particular, or anyone who can answer. I noticed that the funding for this, which is over \$1.3, almost \$1.4 million, is coming out of the Department of Health and Human Services which is of course the same Department that has the oversight of the Riverview facility that I understand is underfunded and that funding the physicians there that are needed could take as little or as much as \$700,000. So my question really is whether there will be adequate funding for the Riverview piece when the plan is put together for that and where is that money going to come from.

The SPEAKER: The Representative from Hallowell, Representative Treat, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative CAREY: Thank you, Mr. Speaker. The Representative from Hallowell, Representative Treat, has shared with the body the exact question that I had this morning. In a series of conversations with the Commissioner, both in private and on mic, I asked her a number of times and she was very proud and very insistent that this is one of the top priorities of the Department, that when these outside advisers come back, having looked at the day to day operations, the governance and the appropriate staffing mix, that she will fund it as it is one of the top priorities of the Department and she believes of the Chief Executive as well. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative BEAR: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this bill and urge you to reconsider. This is almost a family matter to me. I know people, people who have been very close to me, who have been in the forensic unit. I have visited it many times, Stone, North, the new place at Riverview. It's a bit of a trip, but I've done it for many years. I know this culture. If there is an alternative that this body is going to consider, I think it ought to be the one proposed by the member from Winterport, Dorothea Dix. It is all that is required and probably all that is available physically, "bricks and mortar" was the term, at the prison down in Warren or wherever another location may be. But I also rise in opposition because I think this blurs the line. It doesn't just set us back. In World War II, we won a war against exactly this type of policy being practiced, the infirmed, not just being put away, but be even more harshly treated, that type of discrimination. It's pretty well common knowledge that the tribes are overrepresented in the courts, in the jails, in the prisons and in the hospitals. The tribal members that I know that have been assigned or ordered for treatment in the forensic system have been discharged and they were successful. I don't think that would have been the case if they had, for whatever reason, political or otherwise, medically, found themselves in Warren Prison or in any state prison, which would have been Thomaston at the time but Warren today. I don't think that that would have been an environment where they would have been as successful. But I think it blurs the line between the rights of those who have not been convicted as compared to those who have been convicted, and this is that gray area and I think that people still have rights until they are criminalized that need to be considered here, and they trump any budget concerns, \$20 million, \$100 million. It's not enough to violate the rights of those who are our weakest, who are disabled and so I would urge this body to reconsider what you're about to do on principle, on a matter of history, that we don't go in that direction. We defeated that out of World War II. We cannot allow ourselves, whenever any sense of that is about to rise its ugly head, we can't allow it to continue

to survive. In my view, this is exactly what's happening here. We must protect the weak. We must not, if we have an alternative to a prison environment, we can't go to a prison situation as the solution to even a small part of this. I would urge the Dorothea Dix alternative to relieve the pressures at Riverview. I would urge the funding of Riverview itself that was cut and that put these people and that pressured the sheriffs in the local jails to where we are now. So those are my comments in opposition of this bill and I would urge an alternative course. Thank you, Mr. Speaker.

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

Representative STUCKEY: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise to just kind of say flippantly just to hear the sound of my own voice, but there are some things I need to say. There are a couple of slippery slopes here that I am concerned about and I just want to say them out loud. The first is that there was talk initially about the level of care at Warren being a hospital level of care. I think that that, in the conversations that I listened to on Tuesday, I think that that has been, at least for the time being, addressed. It's not a hospital. The staff that will be hired to staff that unit, should we pass this. They will not be state employees. They will not be employees of a hospital. They will be licensed professionals, I'm sure. The firm, from either Pennsylvania or Delaware that has the contract to do that, I'm sure, will hire people who meet that legal criteria, but they will not have the oversight that a hospital environment provides so they need to be really clear about that. The other thing that this slope, the slippery slope, is, for me, it's a step away from us having public responsibility for these services. It's a privatization of the corrections system and the mental health system in a way that I just think we need to keep our eyes open about. It's a system that's driven and motivated by profit. It's a free enterprise market-driven system. It's not the public good in the public domain and part of the state budget. The second slope that is, I think, there and I just need to say out loud is that it was very clear that there were concerns about the population from Riverview who could be transferred to this facility at Warren. Initially, that population was very, I think it's been very much defined as folks who have been adjudicated or folks at Riverview who are not competent to stand trial or are not criminally responsible will not be able to be transferred to the prison because the court system has said that. The folks that are going to be able to be transferred to the prison are a very small number of people from Riverview and a must larger number of people from the county jails who are waiting adjudication. They are there for their evaluations. So there will be a mix in this facility.

There are 40 some beds at the unit. A dozen or so of them are currently used for short-term stabilization from people who are already at the prison. There will apparently be somewhere from three to seven folks who might be transferred at any one time from Riverview and then the balance of the beds, 20 or so, that are funded by this staffing will be from the jails. While I think that there is, as my friend, the Representative from Portland who used to operate, when he was the Sheriff, the third biggest hospital in the state, I think there is a problem that this bill solves. I don't think it gets at the issue of CMS's survey of Riverview. I think it's very problematic to take the stance that this is going to address that and to take money out of a Department that is arguably challenged every day to come up with resources to meet a myriad of problems, and to put it into this situation when you have the CMS Survey hanging over our heads, I don't believe that this addresses that solution. I'll probably wind up voting for the bill because I think the other issue, the revolving door issue, of people who don't get an evaluation and therefore don't get their access to the legal process. If they get sent from

the jail to Riverview and released, they are back out on the street and they haven't been adjudicated yet, but their mental illness has also not been addressed so the likelihood that they are going to eventually wind up in a criminal posture that's going to wind them up in Warren, that likelihood goes up. I'm going to support the bill, but I have real problems with I think us making it more than what it really is and I think we're still left with a huge, huge challenge at Riverview and not long to deal with it. I wish I had a more positive spin I could put on it, but that's it. Thank you.

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

ROLL CALL NO. 461

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Campbell J, Carey, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Cotta, Cray, Crockett, Daughtry, Davis, DeChant, Dill, Dion, Dorney, Dunphy, Espling, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, Marean, Marks, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Powers, Rankin, Reed, Rochelo, Russell, Sanborn, Sanderson, Saucier, Schneck, Shaw, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Wallace, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Brooks, Devin, Doak, Harlow, Hickman, Rykerson, Short, Stuckey.

ABSENT - Campbell R, Casavant, Clark, Crafts, Dickerson, Duprey, Evangelos, Farnsworth, Goode, Guerin, Johnson D, Jones, Kent, Libby A, MacDonald W, Maker, Malaby, Mason, McGowan, Nelson, Pouliot, Priest, Pringle, Rotundo, Saxton, Turner, Volk, Werts.

Yes, 115; No, 8; Absent, 28; Excused, 0.

115 having voted in the affirmative and 8 voted in the negative, with 28 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-585)** and sent for concurrence.

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

**ENACTORS
Emergency Measure**

An Act To Increase the Availability of Mental Health Services
(H.P. 1087) (L.D. 1515)
(C. "B" H-585)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Bond Issue

An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities

(S.P. 377) (L.D. 1095)

(C. "A" S-373)

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

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We, in the Transportation Committee, have continued to call for a serious bond package. Maine cannot afford to further delay targeted investments in our economy. The bond package that is before us would provide \$76 million towards highway and bridge repairs, and \$24 million for port, rail, and transit rail improvements. A safe and strong transportation network is essential to Maine's economy. Of the \$31 billion worth of goods exported from Maine each year, 81 percent will be transported using the state's highways. Despite the importance of our state highways to Maine, businesses and economic growth, 33 percent of Maine's major roads are in a poor or mediocre condition, and 31 percent of our bridges are structurally deficient or functionally obsolete. The average driver in Maine will pay almost \$300 each year in vehicle repairs and operating costs. In the First Session of the 126th Legislature, the Transportation Committee worked hard to develop legislation to authorize a General Fund bond issue to improve highways, bridges, and multimodal facilities. I cosponsored this legislation, which served as a framework for the transportation portion of the bond deal that we, the Legislature, hopefully will approve today. Reaching an agreement with our colleagues and our Chief Executive on a roads package to place on the ballot this November is an accomplishment that will feed positive economic development for the people of Maine. We also need to consider those people who are working on the construction of jobs for roads. We must maintain to have the expertise of those people here with us because, otherwise, they will move out and we are surely going to lose. Therefore, I ask for your support. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Villa.

Representative **VILLA**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of LD 1095 which will inject \$100 million into Maine's roads, bridges, ports and working waterfronts. A strong transportation network is the foundation of a growing economy. Our businesses rely on roads, bridges and ports to move their products across the state and our working people depend on them to get to their jobs. Problems with roads can damage our cars, block trucking routes and, more seriously, cause fatalities. Lawmakers cannot control Maine's tough winter weather conditions that harm our roads, but we can prioritize funding to fix them. Maine drivers spent, on average, more than \$300 each year repairing vehicles due to damage caused by our crumbling roads. In their 2013 report, the American Society for Civil Engineers gave our infrastructure a C- grade. Bridges and roads all over the state are in disrepair and, if approved by voters in November, this money will be a wise investment, saving millions over the long term as opposed to the more costly expense that comes with doing improvements. Likewise, Maine's ports and working waterfronts are in need of improvements that will boost economic development in a critical area of the state's economy. These improvements will also reduce the costs of transportation of

goods and services statewide making Maine more competitive. We have an opportunity to fix our crumbling infrastructure and create jobs in our state. Ladies and Gentlemen of the House, Maine's lagging economy needs this investment now. Please join me in voting yes in support of this critical transportation bond. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Peoples.

Representative **PEOPLES**: Thank you, Mr. Speaker. I will be very brief. I think you all have heard enough from me over the last seven years to know where I stand on this. I would really, if it weren't for the fact that at my years and not wanting to damage my dignity too much, right now, I would dance the dance of joy. I very, very strongly ask for you to support this bond issue. It's well developed, it's well crafted, and it basically hits the things we need to have taken care of. Thank you all so very much for your support ahead of time, I know we'll get it and we'll keep moving on.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Verow.

Representative **VEROW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There's a lot to like that is in this bill. One thing, in particular, that I would like to point out is, as an elected official for the municipality of the City of Brewer, I note that there is \$5 million in here for additional support for the state municipal program and that's a very important item for municipalities. I'm glad that's part of this bill. Thank you, Mr. Speaker.

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

Representative **PARRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this bond issue. I think it's very important. We all know the conditions of our roads and bridges. Also, I think what's very important in this bill, as it's been brought up many times about bonds that have not been issued, and a lot of times in DOT, some bonds don't get issued because either the project is no longer viable, they weren't able to get permits, or different scenarios come into effect when that happens. In this bond, you'll see on the multimodal account, it lists several things that it could go to, but it gives DOT flexibility which I think is very important, and I also think that there are several projects that are going to happen right away with this bond issue in the port of Portland with the new Eimskip container ships that are coming in and also with the possible freezer plant. All of this brings more business to Maine and if we can get more of this type of business to Maine, that's going to help our ports from Portland all the way to Eastport. Because if these companies see that we can do this business here, we are a lot closer to Europe than any other place in the United States. So if we can do this container work here from Eastport all the way to Portland, I think it will be a huge influx of business to the State of Maine and that's why I support this bill.

The SPEAKER: The Chair recognizes the Representative from Searsport, Representative Gillway.

Representative **GILLWAY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I know my few words are going to stand between us and an earlier ride home so I just want to keep it brief. I want to talk about the fact that this is about safer roads, bridges and transportation systems, and also this is about jobs. By doing this, sending this to the voters to decide, we're actually sending them a package that will put people to work fixing these structures. Thank you.

Representative **BERRY** of Bowdoinham **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.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 462

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Berry, Black, Boland, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Cotta, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dill, Dion, Doak, Dorney, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Graham, Grant, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiaga, Kusiak, Lajoie, Lockman, Longstaff, Luchini, MacDonald S, Marean, Marks, Mastraccio, McCabe, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Rankin, Rochelo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Tyler, Verow, Villa, Wallace, Weaver, Welsh, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Dunphy, Espling, Jackson, Long, McClellan, Reed, Sirocki.

ABSENT - Bennett, Bolduc, Campbell R, Casavant, Clark, Crafts, Dickerson, Duprey, Evangelos, Farnsworth, Goode, Guerin, Johnson D, Jones, Kent, Libby A, Libby N, MacDonald W, Maker, Malaby, Mason, McGowan, Nelson, Priest, Pringle, Rotundo, Saxton, Turner, Volk, Werts.

Yes, 114; No, 7; Absent, 30; Excused, 0.

114 having voted in the affirmative and 7 voted in the negative, with 30 being absent, and the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The Speaker appointed Representative **BERRY** of Bowdoinham on the part of the House to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

The Speaker appointed the following members on the part of the House to wait upon his Excellency, Governor **PAUL R. LePAGE**, and inform him that the House had transacted all business before it and was ready to adjourn without day:

Representative **THERIAULT** of Madawaska
 Representative **PEOPLES** of Westbrook
 Representative **McLEAN** of Gorham
 Representative **POWERS** of Naples
 Representative **VEROW** of Brewer
 Representative **PARRY** of Arundel
 Representative **GILLWAY** of Searsport
 Representative **NUTTING** of Oakland

At this point, a message came from the Senate borne by Senator Haskell of Cumberland of that Body, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

Subsequently, Representative BERRY reported that he had delivered the message with which he was charged.

Subsequently, the Committee reported that they had delivered the message with which they were charged.

On motion of Representative RANKIN of Hiram, the House adjourned without day at 5:39 p.m., Thursday, August 29, 2013.