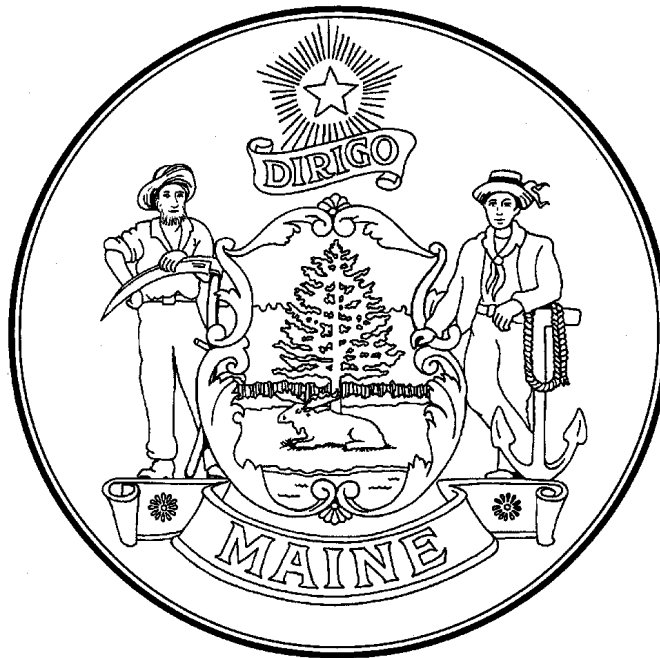


# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Regular Session**  
beginning December 7, 2016

pages 1 -

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE  
FIRST REGULAR SESSION  
54th Legislative Day  
Tuesday, June 13, 2017

The House met according to adjournment and was called to order by the Speaker.

Prayer by Honorable Rachel Talbot Ross, Portland.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

**COMMUNICATIONS**

The Following Communication: (H.C. 230)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

June 12, 2017

The 128th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 152, "An Act to Strengthen Intragovernment Communication."

This bill is a politically motivated power grab, and I cannot support it. Among its many problems, this bill disregards due process for Executive Branch officials and seeks to empower the legislature and its never-ending parade of working groups, task forces and commissions to commandeer the time and resources of the Executive Branch.

This bill is a reaction to my common-sense request that committees of the legislature submit questions to the Executive Branch in writing so written answers may be provided prior to a public hearing. This ensures the efforts of Executive Branch employees can be prioritized against the many demands on their time in their daily service to the Maine people. Submitting questions and answers in writing creates a paper trail, allowing members of the Executive Branch to defend themselves from false and politically motivated statements that are often made by the opposing party of the legislature. When information is presented in black and white, it allows examination by the public and a common set of facts on which to base discussion.

Too often, legislators use public hearings for the opportunity to grandstand and berate members of the Executive Branch. While I agree the Executive has a duty to provide information necessary to conduct government that serves the Maine people, we are not obligated to serve as window dressing for politically motivated legislators trying to get their names in the newspapers. Good governance demands better.

Further, this bill is unnecessary and provides the legislature a remedy that already exists in law. 3 M.R.S.A. §165 provides legislative committees with broad authority that addresses the supposed intent of this bill. Sub-section 4 provides that State Departments shall furnish to a Committee documents, material or information requested by a Committee. Sub-section 7 provides Committees the power to issue subpoenas and compel the attendance and testimony of witnesses. Given that these broad powers already exist, this bill is not needed.

Even more troubling, this bill proposes compelled attendance and testimony before legislative committees and other bodies without providing witnesses the procedural protections customarily provided when government is granted such power.

This is an attempt to provide the Legislature raw power over the Executive Branch without regard for those affected by the exercise of this power.

In order to trigger this compelled attendance and testimony, a legislative committee or other body would simply have to send the prospective witness notice of date and time of the inquiry. This bill does not even require the prospective witness to be notified of the subject matter of the inquiry or that the individual be relevant to the scope or work of the committee or other group.

Maine law already includes a comprehensive law that details the process for witnesses to be compelled to testify before a legislative investigating committee, which can be found in Title 3, Chapter 21. It provides the legislature with the ability to subpoena witnesses and, appropriately, includes numerous protections for witnesses compelled to appear before Legislative Committees.

The existing law is comprehensive, and that was intentional. Such procedures and rules are necessary to avoid forcing individuals to appear and testify without sufficient protection of their rights, as well as to avoid potential criminal accusations without any recourse for the accused. LD 152 provides none of these protections. It is merely a legal shortcut that ignores the rights of witnesses.

For these reasons, I return LD 152 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying item An Act To Strengthen Intragovernment Communication

(H.P. 110) (L.D. 152)

(C. "A" H-180)

The SPEAKER: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, LD 152 is an attempt to improve the working relationship between the Executive and Legislative Branch of our State Government; a working relationship that the citizens of this state expect and deserve. I sponsored this legislation because of the inability to obtain information from members of the Executive Branch, information and input from commissioners and agency directors that is needed to do our jobs. To contact a member of the Executive and to be told that he or she cannot speak to a state legislator and to be told that one must contact the second floor is simply not acceptable. I took the opportunity to read our Chief Executive's two-page veto letter last evening, and although I will not read it in its entirety, I do want to highlight some of his reasonings for his veto. The Chief Executive states the following: that this bill is a politically motivated power grab by the Legislature; that this bill would commandeer the time and resources of the Executive Branch of our State Government; and that too often legislators use public hearings for the opportunity to grandstand and berate members of the Executive Branch. As legislators, we know full well that this is not the case. Madam Speaker, during my eight years of service with the Executive Branch, I've had to testify several times before legislative hearings, and I've been called on several occasions by legislators for input or comment, and every time I responded. As a matter of fact, the previous administration directed its commissioners and agency directors to cooperate with members of the Legislative Branch. One hundred and eleven legislators supported this bill. That's 73

percent of the entire membership of the 128<sup>th</sup> Legislature. I suspect this morning we will not override this veto, but you know what, 111 legislators sent a loud and clear message to the Executive, and that is to not cooperate with a separate branch of State Government and to not participate in the legislative process is simply not acceptable. Madam Speaker and Ladies and Gentlemen of the House, I will be voting to override the veto and I would ask that you do so as well. Thank you, Madam Speaker.

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

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I had no intentions of speaking on this, but after the comments just made by the good Representative from Sinclair, I feel I must. I hope you did take the time to read the entire veto message, but I want to just point out a couple of things that are very important, and the reasons why many of us in that committee voted against this bill. The bill is unnecessary and provides the Legislature a remedy that already exists in law. The existing law is comprehensive, and that was intentional. Such procedures and rules are necessary to avoid forcing individuals to appear and testify without sufficient protection of their rights, as well as to avoid potential criminal accusations without any recourse for the accused. LD 152 provides none of these protections. It's a shortcut that ignores the rights of the witnesses. That, and many other things, is why I voted against this, and I would ask you to follow my light and sustain the veto. Thank you.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. I just remind the body that this is about defending the Legislative Branch's right to get information in order to make informed decisions in representing their hometown, to make good law. I ask the members of the body to stand up for themselves and members of future Legislatures, and all those we, and they, will represent. Thank you, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Ladies and Gentlemen of the House. Thank you, Madam Speaker. Obviously, we have a government founded on principles of separations of power, and I think it's important to recognize those, and I think there will be times when there are relationships between the Chief Executive and the Legislature which will be different based on personalities of the Legislature and who the Chief Executive is. I think that this particular bill is, again, an attempt at the Legislature to try to grab power and to essentially be more of a demand and command over the Chief Executive, and I don't think that it's warranted. I will be voting to sustain the Chief Executive's veto and I ask you to follow my light.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

## ROLL CALL NO. 297V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Herrick, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Skolfield, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Frey, Marean, Ward.

Yes, 85; No, 62; Absent, 3; Excused, 1.

85 having voted in the affirmative and 62 voted in the negative, with 3 being absent and 1 excused, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 231)

## STATE OF MAINE OFFICE OF THE GOVERNOR 1 STATE HOUSE STATION AUGUSTA, MAINE 04333-0001

June 12, 2017

The 128th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 901, "An Act to Amend the Laws Governing the Determination of a Wind Energy Development's Effect on the Scenic Character of Maine's Special Places."

This bill creates more work for the Maine Department of Environmental Protection and the Maine Land Use Planning Commission by eliminating their discretion in determining if a visual scenic impact assessment for a scenic resource is necessary and by requiring all rulemaking under the Wind Energy Act be major substantive.

Meanwhile, the bill offers no real protection to Mainers in all areas of the state from the increasing visual impact of turbines popping up across our horizon. Instead, it authorizes the Legislature to involve itself in the decisions of the agencies to continuously politicize what should be technical and science-based processes.

For this reason, I return LD 901 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying item An Act To Amend the Laws Governing the Determination of a Wind Energy Development's Effect on the Scenic Character of Maine's Special Places

(H.P. 629) (L.D. 901)

(C. "A" H-213)

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It's my understanding, and I can stand corrected if I'm incorrect, I believe that the underlying LD in question here, LD 901, which is the subject of this veto, fundamentally was Representative Winsor's bill, and my understanding is he was not necessarily happy with the way the bill came out. And, I think, due to his comments and my understanding that he no longer actually favors the bill himself, I will be voting along with, I believe, Representative Winsor and the Chief Executive in sustaining the veto on this. Thank you, Madam Speaker.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 298V**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fecteau, Fuller, Gattine, Golden, Grant, Grignon, Grohman, Hamann, Handy, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Mastraccio, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce J, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Simmons, Spear, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tuell, Wadsworth, Warren, Wood, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Doore, Espling, Farrin, Fay, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Haggan, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Jorgensen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Martin J, Martin R, Mason, McCrea, McCreight, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stanley, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tipping, Tucker, Turner, Vachon, Wallace, White, Winsor.

ABSENT - Frey, Marean, Ward.

Yes, 75; No, 72; Absent, 3; Excused, 1.

75 having voted in the affirmative and 72 voted in the negative, with 3 being absent and 1 excused, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 232)

**STATE OF MAINE**

**OFFICE OF THE GOVERNOR**

**1 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333-0001**

June 12, 2017

The 128th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1191, "An Act To Extend to One Year the Probationary Period for Certain Municipal Employee Positions." I believe six months is sufficient time to evaluate the performance of a new employee. One year is too long to wait to decide whether a municipal employee is the right fit for the role. If supervisors in municipal government are not capable of this evaluation, then our municipalities should look for better skilled managers or invest in training for those they currently employ.

For this reason, I return LD 1191 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying item An Act To Extend to One Year the Probationary Period for Certain Municipal Employee Positions

(H.P. 828) (L.D. 1191)

The SPEAKER: The Chair recognizes the Representative from South Thomaston, Representative Spear.

Representative **SPEAR**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise to urge that the House override this veto. This bill, which was reported out of Committee with unanimous support, simply allows cities and towns to institute probationary periods for new managerial-level employees of up to one year, as opposed to the current limit of six months. I think there may be some misunderstanding. This bill does not impact hourly wage earners, as it would only apply to salaried employees, town and city managers, finance officers, EMS directors, etc. In this day and age, these are difficult and complicated positions requiring a wide array of skills and differing skill sets throughout the course of a year. It has been my experience that six months, while may seem like a long time here, is not a very long time. And, it's just simply not enough time to properly evaluate new employees hired to fill these types of positions. I ask you to please help out our cities and towns by extending them this flexibility. I urge your support of the motion. Thank you, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. In regards to extending this to a one-year period, it certainly seems to be hamstringing our local municipalities, who have the option given, sort of a, for an employee-at-will state to be able to make those evaluations, and certainly the local communities and municipalities can do an evaluation for a one year period if they want to. However, I think that this bill is a way overreach and it, again, I think, it hampers our local communities, and in some ways may even provide a disincentive for municipalities to hire people, understanding that when they are hiring them on day one, they may end up actually having to hire them for

one year. So, I think the Chief Executive is exactly correct on this one, and I will be voting to sustain his veto and ask you to follow my light.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 299V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Cebra, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Gillway, Ginzler, Golden, Grant, Grohman, Hamann, Handy, Harlow, Harrington, Herbig, Herrick, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pickett, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Seavey, Sheats, Sherman, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Chace, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Grignon, Guerin, Haggan, Hanington, Hanley, Harvell, Hawke, Head, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Frey, Marean, Ward.

Yes, 90; No, 57; Absent, 3; Excused, 1.

90 having voted in the affirmative and 57 voted in the negative, with 3 being absent and 1 excused, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 233)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

June 12, 2017

The 128th Legislature of the State of Maine  
State House

Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 374, "An Act to Recodify and Revise Certain Portions of the Maine Criminal Code."

The Criminal Law Advisory Commission is comprised of members who are not elected, but are appointed by the Attorney General pursuant to statute. The members of CLAC have crafted a bill they believe is important. However, it is up to us who are elected by the people of the State of Maine to thoroughly examine any bill that would affect the rights of citizens.

During my time in office, I have noticed that CLAC has assumed what can be thought of as a lawmaking role. This is a consequence of the legislature leaning too heavily on the

advice and counsel of unelected mandarins who are totally unaccountable to the people. Such reliance by the legislature sours our democratic process. CLAC's statutory duties include submitting to the legislature "such changes in the criminal laws . . . as the commission may determine appropriate." The privilege of submitting legislation that affects the liberty of the people of Maine should be reserved for those elected officials who are designated in the Constitution.

In a memorandum accompanying LD 374, CLAC wrote in relation to how difficult it is to explain what the bill is trying to accomplish: "It is both difficult and time-consuming to attempt to physically compare and contrast the current provisions contained in Part 3 with the proposed recodification and revision in LD 374." I think this statement is true. However, I am unconvinced their difficult task was accomplished to the degree that Maine citizens expect. When unelected groups propose legislation, that legislation should receive more scrutiny than bills that arise from elected officials. Because I do not believe that LD 374 received this much-needed scrutiny, I cannot support it.

For this reason, I return LD 374 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

#### READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Recodify and Revise Certain Portions of the Maine Criminal Code (EMERGENCY)

(H.P. 280) (L.D. 374)

(C. "A" H-223)

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. In regards to this particular veto, the Chief Executive identifies the Criminal Law Advisory Commission, which is appointed by our Attorney General, and there has been a number of bills this session which I think has had some influence from CLAC, and I think the issue over time is, maybe for a future Legislature, we may even want to look at the makeup of CLAC and how people are appointed on that and whatnot. The point that I would raise here is, simply, is I think that the Chief Executive is correct in regards to CLAC's role in this particular bill, and I think that we would, I would, certainly look to sustain the Chief Executive's veto so that we can look at a review of the entire process at a future time. Thank you, Madam Speaker, I will be voting to sustain the Chief Executive's veto.

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

Representative **WARREN**: Thank you, Madam Speaker. I think the question is a rather simple one. Do you want decisions about criminal justice policy to be made and informed by experts, or do you want it to be made by an amazing committee? I will tell you, the Criminal Justice Committee is a great committee, but we are teachers, we are business owners, we are social workers. We make the best decisions when we are informed by the folks on the ground. All of our committees know that. In this case, for the Criminal Justice Committee, we are informed by judges, by prosecutors, by defense attorneys; we are informed by the people who are working in the system every day. I think this question comes down to: Do you want your Criminal Justice Committee to be listening to the voice of experts? Certainly, if I had a brother or a father or a child that made a mistake and found themselves in the criminal justice world or the arena, I would want those

decisions to be made by experts. If you agree with me, and I really think that that's the question here, I will ask you to vote with me to override this veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Madam Speaker, Men and Women of the House. I'll just speak briefly in support of the Chief Executive's veto. I opposed this bill in committee for a lot of reasons. Look, it's an 85-page bill, covers many, many, many areas of the criminal code, and one example is changing the language from "offender" to "individual." I had a real problem with that, and like I said, it's an 85-page bill, and I urge you to read it.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 300V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneek, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Frey, Marean, Ward.

Yes, 79; No, 68; Absent, 3; Excused, 1.

79 having voted in the affirmative and 68 voted in the negative, with 3 being absent and 1 excused, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 229)

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

June 13, 2017

Honorable Sara Gideon  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Gideon:

Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bill out "Ought Not to Pass:"

Transportation

L.D. 1628

An Act To Increase the Penalty for Failing To Carry Proof of Motor Vehicle Financial Responsibility

Sincerely,

S/Robert B. Hunt

Clerk of House

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 505)

**MAINE SENATE  
128TH LEGISLATURE  
OFFICE OF THE SECRETARY**

June 12, 2017

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted

- the Minority Ought Not to Pass Report from the Committee on State and Local Government on Bill "An Act To Promote Efficiency and Accountability to Taxpayers in Personal Services Contracting" (H.P. 520) (L.D. 740), in non-concurrence;
- the Ought to Pass as Amended Report from the Committee on State and Local Government and Passage to be Engrossed as Amended by Committee Amendment "A" (H-225) as Amended by Senate Amendment "A" (S-196) on Bill "An Act To Amend the Law Regarding Road Associations" (H.P. 731) (L.D. 1042), in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE.**

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

#### REPORTS OF COMMITTEE

##### Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-186)** on Bill "An Act To Address Severe and Ongoing Shortfalls in the Funding of Direct Care Workers in Long-term Care Settings and To Establish the Commission To Study Long-term Care Workforce Issues" (EMERGENCY)

(S.P. 512) (L.D. 1466)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York

DENNO of Cumberland

HAMANN of South Portland

MADIGAN of Waterville  
PARKER of South Berwick  
PERRY of Calais

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

Signed:

Senators:

BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:

CHACE of Durham  
HEAD of Bethel  
MALABY of Hancock  
SANDERSON of Chelsea

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.  
**READ.**

On motion of Representative HYMANSON of York, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Base the Minimum Wage on a New England State Average and To Restore the Tip Credit"

(S.P. 277) (L.D. 831)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford  
BATES of Westbrook  
DUNPHY of Old Town  
HANDY of Lewiston  
MASTRACCIO of Sanford  
SYLVESTER of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-210)** on same Bill.

Signed:

Senators:

VOLK of Cumberland  
LANGLEY of Hancock

Representatives:

AUSTIN of Gray  
LOCKMAN of Amherst  
STETKIS of Canaan  
VACHON of Scarborough

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-210)**.  
**READ.**

On motion of Representative FECTEAU of Biddeford, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Protect the Rights of Public Employees To Determine Their Collective Bargaining Agent"

(S.P. 544) (L.D. 1553)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford  
BATES of Westbrook  
DUNPHY of Old Town  
HANDY of Lewiston  
MASTRACCIO of Sanford  
SYLVESTER of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-233)** on same Bill.

Signed:

Senators:

VOLK of Cumberland  
LANGLEY of Hancock

Representatives:

AUSTIN of Gray  
LOCKMAN of Amherst  
STETKIS of Canaan  
VACHON of Scarborough

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.  
**READ.**

On motion of Representative FECTEAU of Biddeford, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-486)** on Bill "An Act To Prohibit the Privatization of State Correctional Facilities and the State's Forensic Hospitals"

(H.P. 893) (L.D. 1296)

Signed:

Senators:

CYRWAY of Kennebec  
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell  
GROHMAN of Biddeford  
LONGSTAFF of Waterville  
NADEAU of Winslow  
RECKITT of South Portland  
TALBOT ROSS of Portland

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

Signed:



Senator:  
ROSEN of Hancock

Representatives:  
COREY of Windham  
GERRISH of Lebanon  
HERRICK of Paris  
MAREAN of Hollis

# **READ.**

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

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

Representative **TUELL**: Madam Speaker, I rise today to support the motion before us, and I do so with the weight of a county on my back. You may have heard that the Chief Executive is obsessed with closing Downeast Correctional Facility in Machiasport, to the point of going around the Legislature. But if you haven't, I'm going to take a few minutes to lay it out there because, quite frankly, this situation has been boiling for a while now and it gets to the very core of why this bill is critical for our state's future. Downeast Correctional Facility is a minimum security prison in Machiasport. It was established by the Legislature in the mid-80s on a 1950s Air Force base. The facility employs nearly 50 people and can house up to 150 inmates. These inmates perform community service projects for towns, saving them tens of thousands of dollars in increased property taxes. Some of the inmates field good jobs at local employers like Whitney Reed, Lobster Trap, Maine Wild Blueberry Company, and others. The Sunrise County Economic Council, a private, nonprofit agency which initiates and facilitates the creation of jobs and prosperity in Washington County, has estimated the economic impact of closing the prison to be around \$7 million. But the impact goes well beyond economics; DCF has space for 150 inmates. Our Criminal Justice Committee heard, time and again, all year, how there's a critical shortage of bed space systemwide, meaning that if we close this facility, we are going to be in the hole in a big way, and we are going to have to start letting criminals loose on each and every community in the State of Maine. Fortunately, this Legislature has taken strong stands on several occasions to fund DCF over the past few months. Our Criminal Justice Committee saw the importance and the impact this prison has on our entire system, and has supported keeping it open along the way. So, why is this bill necessary? What does it do for DCF that no other can? Isn't it enough to simply fund the prison, and have a conversation about its future in the Legislature down the road? In normal times, yes. But, on the same day the Chief Executive vowed to keep the prison open nine months, pink slips were being issued to DCF employees dated August 9<sup>th</sup> when, most likely, we have all gone home and can do nothing about it. Beyond that, several inmates from DCF have been freed, others have been siphoned off and moved to other facilities around the state, reducing the current inmate total to 60 to 70 folks with the prospect of more commutations and transfers coming in the near future. The Chief Executive has made his intentions clear. We can wring our hands, cower in our seats, try to squeeze into the waste paper baskets under our desks, or we can push back. This bill pushes back. It says that, if the administration is going to reduce inmate counts and lay people off, it's got to come back here for a public hearing. It's got to go through the legislative process, and it's got to be hashed out

in the open. While some might say that this bill presumes too much, oversteps its bounds and goes too far, I would say that if we don't do this, if we don't take a strong stand right here, right now, today, we are putting our entire state correctional system into a spiral that will take many years and many millions of dollars to fix. Madam Speaker, there are some really bad people out there that do unspeakable things. Yes, someone who bilks the elderly out of a few hundred thousand dollars might be seen as a soft criminal, but for those families that were taken advantage of, it's ruin, despair, and a life-altering situation. What then of a habitual offender, they are surely a soft criminal, aren't they? They really don't cause destruction and devastation, do they? To answer that, I would refer you to the emotional debate we had last Friday around wrongful death. I won't rehash it, but if we sit back and let an administration mess around with our correctional system, with little or no oversight, we had best be prepared for the worst case scenario. I realize I'm dancing on a tight rope here, but I do so because failing to pass this bill has some real life consequences. Not crusty old consequences you can read about in a book, but practical, real life consequences that impact each and every Mainer, whether we realize it or not. Please vote for the pending motion, and send a message that if we truly are going to change the way we do corrections in Maine, we shouldn't be going around the Legislature to get that done. Thank you, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion, and I will remind folks that I'm actually, I always like to claim I'm from two places. I was born in Aroostook County but raised in Washington County. And so, I certainly know what the Washington County economy is like and how important jobs are, for example, from facilities such as state correctional facilities. So, I certainly take an eye to that in regards to this particular bill. However, I think there's been an ongoing process now for a number of years in regards to corrections, I think, this ongoing conversation that we have about the county jails, and if there's a Board of Corrections and not a Board of Corrections. And, if there is an area where we really probably failed in this state, it certainly is probably in the corrections area. However, I do think that the Chief Executive has made provisions, plans with Windham, with other facilities, to work on this, and I think, as the good Representative from Machias indicates, certainly where and how the Downeast Facility fits into that is an ongoing conversation. And I think that the Legislature does have a role in that, but at the end of the day, you know, we elect a Chief Executive, and we elect the Chief Executive to do certain things, and that is one of the things that they do is to manage, look at resources, look at assets that we have overall, and I do believe that, inevitably as part of the negotiated budget that we may see someday, that we're going to probably see some, some contemplation of what happens with Downeast as part of that, and so, in my confidence that it will be resolved as part of the ongoing budget negotiations, I'm going to err on the side of the Chief Executive on this particular one, and I will be voting against the pending motion and I ask that you follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Madam Speaker. I rise today in opposition of the pending motion. In committee, we heard from acting HHS Commissioner, Ricker Hamilton, who opposed the bill. He told us of the negative impact this

legislation will have on the individuals who currently receive services from the two state psychiatric hospitals, Dorothea Dix and Riverview. Both hospitals depend upon several contracted positions that are critical to the provision of care and treatment, and the assurance of appropriate staffing levels for the hospitals. Contracted services have been necessary due to the inability of the state to compete in the marketplace for several professional disciplines, such as pharmacy, medical, security, and direct care. Both hospitals have also maintained fluctuating vacancy rates for direct care staff. Mr. Hamilton told us that a significant period of time would be required to create state positions that do not currently exist, such as pharmacists, director of pharmacy, psychiatric mental health nurse practitioners, and such. Negotiations with the union would also be required. We also received testimony against the bill from Deputy Department of Corrections Commissioner Jody Breton. She told us that, on the juvenile side, the DOC uses a host of private vendors: Spurwink, Sweetser, Learning Works, to name a few. Some are residential, some are day treatment facilities. There is no facility like Riverview in Maine for juveniles. To not be able to use these resources would cripple their ability to keep juveniles out of Long Creek. It would increase costs and decrease opportunities for this population. And although Ms. Breton spared the committee the gory details of one inmate in particular we currently have in a private facility down south, I will not, so this body comprehends the level of care needed for some of these individuals we have incarcerated. Earlier this spring, a man was brought into Kennebec County Jail. To say he was uncooperative and combative is an understatement, and he was displaying a level of mental illness like never seen before. Quickly, the Sheriff made arrangements for the man to be transferred to Warren's Intensive Mental Health Unit, where he could receive the help that he so deserved. It was there at the Maine State Prison that this inmate proceeded to tear out his own eyeballs. So, I ask this body if we want to stand in the way of that level of treatment, that we clearly do not have here in Maine, I ask this body to not micromanage these departments by passing this bill. Let them do their jobs and provide whatever necessary services to both Maine's mentally ill and incarcerated. Please follow my light. Thank you.

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

Representative **RECKITT**: Thank you, Madam Speaker. Madam Speaker, members of the House, I hadn't intended to rise about this bill but, as most of you know, I feel rather strongly on this issue of Downeast Correctional Facility. I feel so strongly that I took a weekend of my life to go up and see the facility, which it's my understanding the Chief Executive has never done. And, when I saw that facility and I saw the workers there who I had spoken about, as a group of employees who we would be hard-pressed to find a way to employ those 51, 54 people in Washington County without Downeast Corrections, I really feel strongly about what I saw amongst those employees. I watched them work, I watched them interact to a bit with the prisoners, and I think it's clear to me that they are extraordinarily both competent and dedicated to that facility and its upkeep. Some have asked me what I thought about Downeast Correctional Facility in terms of its upkeep and its repair. And, I said at the time, it looks sort of like a summer camp with razor wire. So, it's secure, but it doesn't look like a correctional facility. And, I think that that's a good thing because these prisoners are on their way out of correctional facilities and are, in fact, as the good Representative Tuell has said, are integrated into the

community in a variety of ways, both as volunteers and as workers. I heard that week of a prisoner who had just been released from Downeast, and left with \$7,000 that he had earned in his time there, I believe at the wreath factory. And, to my mind to let a prisoner out with some money, having paid their fines, I might add, and all those things, let them out with money so that they could rent an apartment, buy an old car, whatever it is that keeps them from coming back into the correctional system, is a really good thing. So, I am really a fan of Downeast Corrections. I think they are doing really wonderful things there. I think it's a progressive institution, more so than some that I have seen. I think that the other piece of this bill is the potential, or already, impact on Long Creek. I live in South Portland, so clearly, I'm concerned about the correctional facility in South Portland. It's less easy to figure out why I care about the one in Washington County, but I do. But I care about South Portland. Last Friday they laid off the entire teaching staff at Long Creek. Those prisoners have to be educated there. I'm sure the connection is that, if we don't pass this bill, the contracting will speed up even faster than it might have, and I don't think that's a good thing. The prisoners there, young though they be, need education, they need trained teachers, they need teachers that care. We congratulated two of them in the balcony today who are up here because of this issue, and because they're interested in how we proceed. So, I urge you today to support this bill on behalf of both the citizens of southern Maine and the juveniles of this state, and on behalf of our sisters and brothers in Washington County who need employment opportunities, who need capacities to house prisoners and to do it in a humane and decent way. So, I won't take any more time, I appreciate your attention. Thank you very much.

Representative HERBIG of Belfast **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

#### ROLL CALL NO. 301

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Sherman, Skolfield, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Stearns, Stetkis,

Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Frey, Grignon, Marean, Ward.

Yes, 84; No, 62; Absent, 4; Excused, 1.

84 having voted in the affirmative and 62 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-486)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-486)** and sent for concurrence.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-482)** on Bill "An Act To Improve Care Provided to Forensic Patients" (EMERGENCY) (H.P. 120) (L.D. 162)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York

DENNO of Cumberland

HAMANN of South Portland

MADIGAN of Waterville

PARKER of South Berwick

PERRY of Calais

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

Signed:

Senators:

BRAKEY of Androscoggin

HAMPER of Oxford

Representatives:

CHACE of Durham

HEAD of Bethel

MALABY of Hancock

SANDERSON of Chelsea

**READ.**

On motion of Representative HYMANSON of York, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Restrict Cash Access for Electronic Benefit Transfer Cards"

(H.P. 201) (L.D. 268)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York

DENNO of Cumberland  
HAMANN of South Portland  
MADIGAN of Waterville  
PARKER of South Berwick  
PERRY of Calais

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-479)** on same Bill.

Signed:

Senators:

BRAKEY of Androscoggin

HAMPER of Oxford

Representatives:

CHACE of Durham

HEAD of Bethel

MALABY of Hancock

SANDERSON of Chelsea

**READ.**

On motion of Representative HYMANSON of York, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Seven Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-483)** on Bill "An Act To Prohibit Female Genital Mutilation"

(H.P. 525) (L.D. 745)

Signed:

Senators:

ROSEN of Hancock

CYRWAY of Kennebec

DIAMOND of Cumberland

Representatives:

COREY of Windham

GERRISH of Lebanon

HERRICK of Paris

MAREAN of Hollis

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-484)** on same Bill.

Signed:

Representatives:

GROHMAN of Biddeford

NADEAU of Winslow

TALBOT ROSS of Portland

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

Signed:

Representatives:

WARREN of Hallowell

RECKITT of South Portland

One Member of the same Committee reports in Report "D" **Ought to Pass as Amended by Committee Amendment "C" (H-485)** on same Bill.

Signed:

Representative:  
LONGSTAFF of Waterville

**READ.**

Representative WARREN of Hallowell moved that the House **ACCEPT** Report "B" **Ought to Pass as Amended**.

On motion of Representative HERBIG of Belfast, **TABLED** pending the motion of Representative WARREN of Hallowell to **ACCEPT** Report "B" **Ought to Pass as Amended** and later today assigned.

**ENACTORS  
Mandate**

An Act To Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic Stress Disorder  
(H.P. 597) (L.D. 848)  
(C. "A" H-448)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 17 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Bond Issue**

An Act To Authorize a General Fund Bond Issue To Provide Funding for Upgrades of Learning Spaces and Other Projects Funded by the School Revolving Renovation Fund  
(H.P. 101) (L.D. 143)  
(C. "A" H-452)

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

On motion of Representative HERBIG of Belfast, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

**Acts**

An Act To Improve the Tax Appeal Process for Maine Businesses and Consumers  
(S.P. 198) (L.D. 583)  
(C. "A" S-227)

An Act To Require Mortgage Servicers To Act in Good Faith in Dealings with Homeowners  
(S.P. 243) (L.D. 731)  
(C. "A" S-229)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Clarify the Authority of an Affiliate of a Utility To Own Power Generation outside of the Utility's Territory  
(H.P. 536) (L.D. 756)  
(S. "A" S-220 to C. "A" H-314)

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

On motion of Representative HERBIG of Belfast, was **SET ASIDE**.

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

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:

**UNFINISHED BUSINESS**

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

SENATE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (S-209)** - Minority (2) **Ought Not to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Restore the Tip Credit to Maine's Minimum Wage Law"

(S.P. 235) (L.D. 673)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-209)**.

**TABLED** - June 8, 2017 (Till Later Today) by Representative FECTIONEAU of Biddeford.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative FECTIONEAU of Biddeford moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **SYLVESTER**: Thank you, Madam Speaker, good folks and colleagues of the House. I stand, as I did in committee, in opposition of this bill. And, while the folks on my committee put on several amendments which, if they were in a standalone bill, I would vote for 100 out of 100 times -- important protections -- I cannot. Others will speak of fears of what might happen, fears of what could occur, the real fears of what voters said who are opposed to this bill or opposed to the referendum. And perhaps you know they will not listen to those who spoke in support, but I will let others speak of fear. I rise today to speak of hope. Now, we talk a lot in this building about kids who go hungry at night, about constituents who are at risk of having the lights turned out or losing their homes, of people who cannot afford their prescriptions. We talk and we talk and we offer hope that something might get done, but for the most part, we say no, too much; no, not ready; no, not at this time; or worse, no, not for you. On the question of the minimum wage -- oh, how this body has talked. Year after year we offered hope to those Mainers who toil for the least wages allowable under law. And we said, here is hope, hungry child, here is hope, constituent sitting in the dark -- and occasionally we gave some small relief, but for the most part we talked, but decided no, no hope, too much, not ready, not at this time, not for you. So, the people of Maine said, "Enough." When they saw an opportunity to give a raise, to give hope in tangible form to those Mainers who labor for the least amount permissible by law, they said yes. Yes, person worrying about paying rent or mortgage, yes to those who wonder how they will fill their prescriptions. But then, cue the talking. Cue the Legislature. You may wonder what a dapper gentleman from Portland such as myself even knows about the minimum wage. After all, it's all caviar and champagne in Portland. Well, it might surprise you to know that I know quite a bit about living

under the minimum wage. To know that for the first 18 years of my life, that is all I knew. My mother, a single mother, worked at a minimum wage or a hair over the minimum wage for most of her adult life, and never made over \$14,000 a year. I was that hungry Lewiston child going to bed after the smallest chicken breast that they sold and a fifth of a can of peas. Listening to my mother ask for extensions on this bill or that, going without prescriptions until she could afford it. So, I applaud this referendum and the people of Maine, and I even appreciate that this bill that seeks to amend it allows some of that hope to live. This referendum allowed hope to workers all over this state, to all of our constituents, to retail clerks and car wash attendants and bus boys and hotel chambermaids. And, this current bill allows that hope to stand now and into the future for some of them, and for that I am grateful, on behalf of that kid I was: the Franco kid with two pairs of pants to his name, both gray corduroys, which I will tell you, Madam Speaker, is not a good look. This bill allows hope for all those workers, except the tipped workers. To them we say, "Too much." To the servers we say, "We're not ready." To tipped workers we say, "No, not at this time. No, not you." And I will not belittle the many fears and honest concerns that tipped workers brought to our committee, I listened to every one with an open heart for 12 hours, just as I listened to the many tipped workers who came out in support of maintaining the tipped minimum wage. Even as I listened to the dozens of my tipped constituents living three or four to an apartment and still wondering how they could afford to live near work, since their fabulous tipped wages did not allow them to purchase a car to live elsewhere. Not all of them, but enough of them: 117, in fact. And I briefly considered reading each one of them on this floor today; the ones that said that the gratuity is a gift from their customer for their good work, and not a wage. Never mind, we will say though, their fears of how to pay the rent or how to buy a car, because we started to talk. And, we talked in this body and we decided we needed bills to say no. We decided that, regardless of what might happen, or that we would base this on what might happen, or despite the data of every minimum wage increase ever passed, we would say no. But, I promised I wouldn't talk of data, so I will only offer these two numbers. In the many, many hours of testimony that we heard, here is the most compelling argument that I heard. No one ever claims the tipped credit, so who cares, it won't even help. Well I don't doubt that is true at \$5 an hour. At \$5 an hour for 40 hours, that would be \$200 a week, and if you don't make \$200 a week as a working man, you're finding other work. Yet at \$12 an hour, that's \$480 a week, and are there no Maine tipped workers who in the dead of winter do not make \$480? I'll leave that to your wisdom. Now, I thank this body for listening, I thank the people of Maine for the hope they have given to the people all over this state who toil every day for the least allowable wage that is offered under our great statutes. And to those servers for whom \$480 in the dead of winter might have helped, I say, I'm sorry if today this body says no. We're not ready. No, not now. No, not for you. Thank you, Madam Speaker.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

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

pending motion. Real families are on the line. Passing this bill would result in a pay cut for thousands of Maine tipped workers. The median income including tips for a restaurant server in Maine is just \$9.06 an hour. Tipped workers are two times as likely to be in poverty and three times as likely to access food stamps. Seventy-nine percent of tipped wage workers are women, many of them single parents. Real families are on the line. Well, no, we hear people claim that without a tip credit, people will stop tipping, and the result will be a loss of income for tipped wage earners. That's some people's opinion. But, let's look at some evidence. In the seven states with no subminimum wage, and in others with higher tipped wages, tipping is just as high or higher, and servers make higher incomes. Restaurant industry growth and employment are also higher. And finally, the people have spoken. Question four passed with over 55 percent support statewide. That wasn't all in Portland, in fact it won with 54 percent support in Aroostook and Washington Counties. Further, it received more votes than any citizen initiative in Maine history, and more people cast ballots on question four than voted for President. The people have spoken. Raise the minimum wage, raise the tipped wage. Well, perhaps the referendum wording was vague. So, let's revisit the referendum question and see how it was presented on the ballot. I quote "An Act To Raise The Minimum Wage." "Do you want to raise the minimum hourly wage of \$7.50 to \$9 in 2017, with annual \$1 increases up to \$12 in 2020; and annual cost-of-living increases thereafter; and do you want to raise the direct wage for service workers who receive tips from half the minimum wage to \$5 in 2017, with annual \$1 increases until it reaches the adjusted minimum wage?" That could not be more clear. It's right in the wording of the question. It wasn't buried in the text of the bill, right in the wording that more Maine voters voted for than any referendum in Maine history. The people have spoken. Let's honor the intent of the 55 percent of Maine voters who, I believe, did know what they were voting for when they voted for question four. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Madam Speaker, Men and Women of the House. I rise in support of the pending motion. In my district, I've heard from service and restaurant staff who are worried about their livelihood because of the tip credit elimination. They worry that as their wages increase and restaurants are forced to raise their prices, customers will leave smaller tips or just order out. These people are my neighbors and my constituents. The people who elected me and whom I serve. To be clear, Maine voters have spoken, and I feel strongly that this body should avoid making unnecessary changes to the new law they approved. Reinstating the tip credit and allowing employers to consider tips part of a servers' wages and meeting their minimum wage obligation will still mean servers will make \$12 an hour by 2020. If servers don't make enough in tips to bring their total pay up to minimum wage, employers will have to bridge the difference. In keeping with the will of the voters, as the minimum wage increases, servers will never make less than minimum wage, and could considerably make more. My job is to listen to my constituents as I make decisions on policy, and I take that job very seriously. That is why I'm supporting this solution to their concerns. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand today in support of the over 5,000 Maine servers who have taken a stand, gotten involved, and had their voices heard in support of 1673, "An Act To Restore the Tip Credit to Maine Employees." My husband and I own RM Flagg Foodservice Equipment Company and through our family business, I have the privilege of knowing servers throughout the state. I have spoken with hundreds of these servers over the last two years about the tip credit, and have heard them clearly when they have told me that they want the tip credit. Actually, they not only want it, but they depend on it to buy their groceries, pay their house payment and oil bill, and support their families. These tipped wage workers understand the impact of the referendum ballot question that passed in November and they are thankful that the framers of our Maine Constitution provided a means of amending citizen referendums. As you all know, citizen referendums do not allow for the thorough vetting that legislative bills receive. The LCRED public hearing was the first official chance to hear from the citizens who were directly affected by the removal of the tip credit. They are passionate that we listen to their personal stories shared in the public hearing showing why we must fix this aspect of the ballot question. Today, I speak to you as a former restaurant server who has personal experience in choosing tips over minimum wage. I know that I would not have made as much money or worked as hard if it were not for my tips. As a college student, I had a wonderful job at Mickey's Ice Cream Shop. Every afternoon I could look forward to my boyfriend and his handsome football player friends from the City of Bangor, Parks and Rec crew stopping in for an ice cream after work. I had a very kind boss, George Brontas, who allowed the young people who worked for him a lot of flexibility and freedom. It was a young person's dream job, except for the minimum wage pay. I was a pay-as-you-go college student with about as much wardrobe as the good Representative who spoke earlier, and I needed to make more money that summer than my ice cream scooping was providing. I decided that I would apply at Lum's Restaurant as a server. They hired me and my server life began. I've always liked people, so the transition was pretty easy for me. I quickly learned that full water glasses, quick service, and a nice smile equal bigger tips. I mastered the art of suggestive selling to bring up the check total. That helped both the restaurant and my own bottom line. I quickly more than doubled my former minimum wage pay. We all love and value our Canadian customers and know that they are an important part of the Maine tourist economy. We also know that they don't have a tip wage in Canada, so people do not feel it necessary to tip well for even the very best service. Sometimes, that summer I was waitressing, my Canadian customers left a tiny tip of maybe two or three percent, but most of them left nothing. Having watched a lot of those Bangor High football games, I've picked up some good ideas on blocking. I'd do anything I could to block my tables and send those nontipping Canadians to some other poor server's table. Wherever the Canadians ended up, one thing was for sure -- those tables showed us what life would be like without the tip credit here in Maine. Some people will tell you that serving is demeaning to women, and subjects them to sexual harassment. Never once did I feel demeaned by my customers, and sexual harassment from a customer at this roast beef and beer restaurant never happened to me. It did occur in a public school I later taught at, but I still think teaching is an honorable profession. Another thing that people opposed to this bill may say is that, at the end

of the pay period, the servers might get a tiny or zero paycheck. That is basically a reason to celebrate. It happened to me many times, I would get a cash out from my tips each day instead of having to wait to the end of the pay period. The more money I made in tips, the more money had to be taken out of my tip wage paycheck to pay my state, federal, and social security tax. This might result in a very small paycheck, but it certainly did not mean that I didn't make an excellent wage that week. Additionally, by federal law, all, and I repeat all, servers are already required by federal law to be paid minimum wage every single pay period. Looking back, would I have stayed at the carefree ice cream summer job if I hadn't had the opportunity to make more money as a restaurant server? Sure, I would have, but I wanted to make more money, and I was willing to put in the extra effort to earn that higher pay, just like servers throughout Maine. We must restore the tip wage to our servers throughout Maine. Please join me in supporting the hundreds of servers who flooded the public hearing's many overflow rooms, and the thousands of servers throughout Maine who have stood proudly and asked us to preserve their way of life by restoring the tip credit. I'm proud of these grassroots advocates. Please join me in voting Ought to Pass on the pending motion and proving to these hardworking Mainers that their voices count, and that they do have a say in their future.

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

Representative **COLLINGS**: Madam Speaker, Ladies and Gentlemen of the House, with all due respect to the great work of the Labor Committee, I stand in opposition to this motion. And, I have a few quick reasons here, briefly, I'd like to share with you. First and foremost, I want to talk about the will of the voters, and I think we should be very careful about setting a precedent on how we react to enacted referenda by the people. I'm all for coming into this body and looking at past referenda and making sure it lives up to the constitutional scrutiny, and also in the cases of past referenda such as gaming, marijuana, I absolutely agree that we need to put in regulatory structures. We need to look at the tax structure, make sure we have the infrastructure to monitor those new laws that weren't created before; otherwise, it just wouldn't make any sense. But, I would caution us to set a precedent where we directly go against the intent of the voter and, I mean, when we look back, there has all been issues we have not all agreed with over the past couple decades, it could have been on term limits, it could have been on gaming, it could have been on hunting, it could have been on many issues, but -- I could be wrong, but this is one of the first times I see us coming here and directly reversing the intent of a voter. The people voted for this in a record historical vote, and in the question that directly talked about the tip workers. So, I would caution us to do that today. So, there's that reason. The other reason -- I'm hearing this theoretical argument, and that's the job of people that would oppose something. They would say, well, you know if we do this, the sky is going to fall. Things are going to be awful, so we shouldn't do this because this might happen, and that's politics. But, I would say to us that there is also a bill we're going to be voting on, LD 1117 to study the phase-out of the subminimum wage, and that would, over the next year or so, look to see if there's evidence that if we do enact the will of the voters, it will be a huge detrimental effect to the industries of those working for the tip wages. That would be a more rational approach to me. When we look at different reasons, we are having these theoretical arguments, you know people have said, well I've heard that in some businesses, tips

have gone down, business has gone down -- well, we really need to study that, because I've talked to some friends that own restaurants in Portland and other places, and they've said all the businesses have been down because of the spring weather. So, less people are coming in. So, we really need to have solid evidence before we make such huge changes to the clear intent of the voters. And, also in the many states where they don't have the tip credit, I don't see overwhelming evidence that, by not having that, businesses have closed down and the restaurant industry's struggling, and that tipped workers are losing money. I think it's to the contrary. And the last thing that I'm sort of concerned about if we pass the Majority Report is that, unfortunately, and I've talked to many people, restaurant owners, I've talked to people that work for these restaurants and bars, and I've heard a lot and I've listened and tried to be as open-minded as I can, and I've heard the concerns of businesses, I've heard the concerns of the people that are serving and rely on tips. And, they've told me several things and workers have told me where they've been getting pressured by the industry, where the organic kind of movement has come about from the workers themselves, and what the fears are. But, what I also see is where I grew up in Fort Kent, and where I now live and represent people in Portland, there's a huge disparity in what tipped workers are making in this state. Yes, I may take my kids out, and in an hour of eating there I may leave a \$40 or \$50 tip, and I'm not the only customer there. So, people are making good money. But, we have to realize that in many parts of the state, people are just making the minimum wage as tipped servers, and they are living in severe poverty. So, if we pass this motion, I'm very concerned about these people, and basically all we're going to be doing is forcing a lot of them to stay on subsidized government programs which, as a body, we should be working to lift people up. So, that's one of my big concerns. I've listened to a lot of people in this industry, and I truly think that when we raise wages, it helps the economy. There's more demand for goods and services, which creates more jobs, it stimulates more tax growth. And, I think if we stick with the will of the voters here, I think the high-end earners in this industry will earn the same or even more, and I think what we will do for thousands of people living in severe poverty, we will give them a better standard of living and for those purposes, I respectfully oppose this motion. Thank you.

The SPEAKER: There are nine members in the queue. The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I am one of those employers who has tipped employees who urged me to support this effort and indeed this bill, and some of them text me with some regularity, wondering about the pace of this body, and I said, well, it is indeed deliberative. But I rise not to address that of which I have a self-interest, but rather to speak to the will of the voters. We have, in the 109-year history of direct referendum, had 66 items appear on the ballot, 38 of which were rejected, 28 of which passed. As of January 1<sup>st</sup> of this year, 20 of those had been amended by this body. And it is my understanding, at this point in time, that we have amended the marijuana referendum. It seems as if the courts have told us that there are problems with ranked-choice voting. I have been inferring from discussions of late that the three percent tax may be limited. And with this, the change in minimum wage, should it be enacted, we will have had 24 of 28 of the referenda that passed have been subsequently amended by the Legislature. So, when we speak to the will of

the voters, are we speaking for people who make mistakes 84 percent of the time, or are we speaking to the responsibility we have to properly vet these bills? I hope you will follow my light.

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

Representative **SHEATS**: Thank you, Madam Speaker. I was not intending to speak today so I had nothing prepared, but I have received so many emails opposing this bill that I thought I would read just one to you because it's short and sweet. "We voted in favor of the minimum wage increase, which passed with over 55 percent of the vote. Nevertheless, there are those in this Legislature who are attempting to undermine this vote. We want you to know that we are opposed to any attempts to roll back the referendum, and we ask you to use your influence to prevent this from occurring. Thank you," from my constituents on Oakland Street in Auburn.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. I rise in support of the pending motion. I have been asking servers all over Maine, from north to south and east to west, as I travel the state for my business. The overwhelming response from servers has been to keep the tip credit. The servers from chain restaurants, like Applebee's, to small local cafés, like my cousin's restaurant in Thomaston, said their hourly wage was between \$15 and \$33 an hour; well above the past and present minimum wage. They also stated that if for some reason their tips didn't earn them the minimum wage, their employer would make up the difference to ensure they at least make the minimum wage, although this never needed to occur with the servers that I met. Please follow my light in support of the pending motion. Thank you.

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

Representative **ACKLEY**: Thank you, Madam Speaker, Men and Women of the House. I rise to oppose the pending motion. We have had the citizen's initiative for a century, and I'm glad to hear that the point's been made that there have been 66 times that this initiative has been used in our state's history. It's important to understand, however, last year we saw six questions on the ballot, that's 10 percent of all of the questions that have been considered in the last hundred years. Why is this? Why? Direct democracy happens when representative democracy fails. When there is special interest gridlock in Augusta, when the people of Maine speak and legislators do not listen, they get referendum questions. And, to think we are now considering overriding the direction of an overwhelming majority of Maine voters, defies our Maine democratic values. To say otherwise is to ignore the facts. How can we, as legislators, with a straight face, tell the voters that their votes actually count, when hand-in-hand with special interests we're getting ready to ignore their will? Common sense says that, after months of debate, the voters in November knew exactly what they were voting on. Got to tell you, the restaurant industry is healthy in every one of the seven states that have no tip credit. By the way, I'm wondering who among us can name all seven? Because if you can't then, like me, because I don't know either, if you can't, then you don't know where not to tip. You know, I just tip for good service, and I think most people who eat out do the same. We should not be making our policy based on anecdotes. And we do, by the way, have some data that suggest from the Department of Labor of Maine, that things are pretty good in the labor market. In fact, the first quarter of reporting shows that we are setting

records for wage growth in Maine. Why do you think that is? Well, this is one economist who can tell you, the only explanation to infer is that the implementation of question four is actually starting to lift the wages of working Mainers. When they voted in November, Mainers were clear; they want an economy in Maine to work for the smallest of small businesses, the smallest of small businesses. That is when anyone, you and me and any individual Mainer, goes into the labor market to sell their labor. That's small business, Madam Speaker. And, when we make those decisions, it's a profit-maximizing decision, as any small business person knows. Mainers want their economy to reward hard work, and that is the question that we have in front of us today. You know, I'm reminded today of the value of facts, for we cannot make wise public policy based on stories or anecdote. If we do, we will simply be rewarding those who have the resources to repeat their stories and anecdotes as long, and as loud, as they possibly can. No, Madam Speaker, I think we should be relying on data and the will of the voters to guide us in this measure.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of restoring the tip credit today. When I was a much younger man during the decade of the 80's, my parents could not afford to put me through college. I had to go it alone. I took a job as a waiter at the legendary Governor's Restaurant in Old Town. I waited tables or tended bar for about eight years after high school; getting myself through college and setting myself up for a career in education. My tips paid for my tuition, my fees, books, food, apartment, electricity, heat, car payment, gas, car repairs, telephone, and the many other things in life that we incur as people. Over that time, I worked with several single parents. Add diapers, baby food, daycare cost, clothing and all the necessities of life. Minimum wage, then and now, would prohibit my ability to graduate from college and pursue the American dream. Tips were, then and now, the very thing that has given myself and countless other Mainers the ability to prosper in life.

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

Representative **HYMANSON**: Thank you, Madam Speaker. I rise in support of this motion, because I'm a Representative, that's my job title, and I've heard loud and clear from my district in Ogunquit, York, Sanford and part of Wells that that's what they want me to do. But, what I want to tell you is that, two weekends ago, I flew away for the weekend to, with my husband, to Seattle, for my aunt's 100<sup>th</sup> birthday. And, I was back here on Monday, so it was a fast trip, it was a wonderful party, we went to a few restaurants, and in Seattle they're raising the minimum wage to \$15 and they're taking away the tip. So, on every restaurant that we went to, on the bottom of the menu it said, there's a 20 percent service charge that's been added. So, I talked to the waitresses, who had been working there for a long time, and they were happy. They were happy with the new revenue sharing that had been instituted at their restaurant, and they felt they worked better as teams. The service was terrific. And, I felt that the conversation that I had with them was genuine. So, while I'll be supporting this measure, I hope that we move along organically or maybe with other legislation in the future to move us away from our tip culture, which now has become pervasive and needs to change. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise today to speak in support of the pending motion. I rise today to speak on behalf of the 5,000-plus Maine restaurant workers who have banded together and brought their voices to Augusta. They came before the Labor, Commerce, Research, and Economic Development Committee to stand up against the incredible odds they faced when they learned they were caught up in the middle of a three-part question on the ballot that only allowed for a one-part answer, yes or no. These 5,000-plus workers had no objection to raising minimum wage. We heard that loud and clear in their testimony. However, linked to that referendum was the elimination of the tip credit, a vital credit that has a direct bearing on the incomes of servers. Servers found themselves caught up in a people's referendum, a referendum initiated without input from servers. They found themselves questioning what had happened, and how were they ever going to effect change. As it turned out, servers started a Facebook page to communicate with other servers around the state for the purpose of creating a community; a community that self-organized; a community that questioned why; a community that reached out to the supporters of the referendum to explain that their livelihoods will be negatively affected; a community of citizens who just wanted to be heard. This grassroots community of restaurant workers grew, grew into a community of over 5,000, made up of servers and bartenders from Presque Isle to Kittery, from Calais to Bethel, from Mapleton to Porter, and beyond. Servers and bartenders from Maine's iconic restaurants, such as Moody's Diner, Governor's Restaurant, Miss Portland Diner, and Dysart's, Helen's, and Geaghan's, and servers from new start-ups just getting off the ground, just to name a few. All wanted their voices heard. Leaders of this alliance emerged, young and not-so-young, college educated and high school grads, a diverse cross section of Maine that does not exist in many industries. It was really impressive to watch. It's what makes Maine so great. This alliance is not a political alliance, it just is not. It is made up of real Maine people wanting to go to work every day. It took great courage for them to enter into the world of politics. It took great courage for them to step outside their comfort zone. It took a great deal of courage for them to testify. They reached out, as citizens of democracy should, to their elected representatives. Madam Speaker, on April 5<sup>th</sup>, a public hearing was held on this legislation. Restaurant workers filled the committee room at 8:00 a.m. for a 10:00 a.m. hearing. Nearly 200 of restaurant workers gave up a day of work and Moody's Diner closed for the day so the whole crew could come to the State House. They came of their own doing. They waited for hours to testify. The testimony was heartfelt and written by their own hand. The public hearings that day went until 1:00 a.m. It was the longest day I have ever had for public hearings. This past Saturday, I read in the *Portland Press Herald* that Portland, Maine ranked number one in the U.S. for best small cities to spend a weekend. I'm going to read a portion of that article and want you to know that the very first topic they led with was, "Must Eat and Drink: steamed lobsters from the waterside seafood shack at Portland Lobster Company, or if you're looking to put less work into cracking and declawing, Eventide's brown butter lobster roll is the best bet. Don't leave without experiencing the working waterfront in the Old Port, walk the piers, pop into the fish markets, where the catch is literally boat-to-counter, grab lunch and drinks at J's Oyster, a local hut with a lot of history and no-nonsense service in the best way possible, or snag a bread bowl of fish chowder at Gilbert's Chowder House. Portland's ratio of



restaurants to people is tilted in your favor so eat as much as possible. Ribollita offers classic refined Italian with a grandmotherly dining room. Street and Co. is known for masterful upscale seafood and vanilla bean panna cotta with wild Maine blueberries. Pai Men Miyake's ramen menu is bolstered with great sushi and pork belly buns, and the Front Room's brunch is top tier -- order the Munjoy Hill mimosa, a High Life with O.J. Portland wasn't named one of the most underrated food cities in America last year for nothing. An afternoon should consist of sampling beers at Allagash, Bissell Brothers, Shipyard, and Rising Tide. An evening should be spent getting weird with karaokeing locals at Silver House Tavern, eating popcorn and playing darts at Rosie's, or shooting pool and seeing live music on the patio at Amigos, reggae Sundays at Jones Landing -- take the ferry from Commercial Street to Peaks Island -- are an institution." Since the passage of this referendum, I have noticed that prices in restaurants have gone up. Costs to restaurants have gone up. This changes the business model for restaurants, which result in fewer menu items, replacing the table service with counter service and kiosks. A huge part of the foodie experience is the person who serves you. To say that people still tip begs the question, will the same number of people eat out when the prices have spiked? Maine has become known as a foodie destination, we have good eats across the state. Our servers love what they do, they do it with great passion, and we heard that for hours. Maine is doing so well in this area, they say, if it ain't broke, don't fix it. Reinstating the tip credit is the right thing to do. As minimum wage rises, servers will get a raise. If servers do not make enough in tips to make the minimum wage, then the employer makes up the difference, guaranteeing a minimum wage. Additionally, reinstating the tip credit enables tipped employees to make well above the minimum wage. It is a win-win. We protect the floor and allow tip employees to rise to their potential. Madam Speaker, Ladies and Gentlemen of the House, this is the right vote to make, please follow my light. Thank you.

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

Representative **BROOKS**: Thank you, Speaker, people of the House. I rise today in opposition to the pending motion. I started -- my first work was as a bus girl in one of our local restaurants, and there were definitely people there that worked, you know, well into their, their careers were as waitresses, and that was very honorable and they did a fantastic job. What is different to understand, I think, is that depending on the restaurant, we do have a seasonal culture here in Maine, and we enjoy the four seasons, and there could be very different restaurants throughout Maine. We have many rural restaurants, many -- in Lewiston-Auburn, we have a lot of restaurants that have different cultures, and coastal restaurants might be a little different as well. One of the things, when I first started working, the women worked in the front and the men worked in the back, and that had evolved while I was there, and I started out as a bus person. One of the first mistakes I made as a bus person was, I was cleaning off a table and I took all the paper off the table and put it in the trash. Among the paper was a credit card receipt. The waitress I was working with, obviously, you know, was upset about losing that credit card receipt, and I was just heartbroken that, that loss to the business was, had to be absorbed, and a lot of times, if the restaurant is open, waitresses and people that work at the business have to be there, and that just makes sense for a lot of businesses. But, there is no calculation into if the customers don't come in, you know, sure, maybe they will

make the minimum wage, but they are going out in inclement weather, getting the transportation to go there, they often set up their stations and prepare salads and bread, and the tips may not be there. And they are supporting a family on not great wages, and the budget for that is very difficult to do. I'm really glad to hear that in some places, you know, not every server encounters sexual harassment, but I know that it is something that people do encounter. And, I think that it's important that we do move away from the culture of having an unlevel playing field for any people that are working in our state and nation. And, I think that if somebody was working for minimum wage before this referendum, 40 hours a week, they would make \$15,600. If they were working 40 hours a week and were able to get work every week. Another thing I encountered is that, you know, the differentiation between the peak times that the customers were coming in, like a Friday or Saturday night, or a time during the day when there might not be as many customers, and I think it's just really important that we recognize that there is an incumbent equality that's very pronounced and I wish to change that culture and so, that's all I wanted to say and I hope that we understand that restoring the tip credit would be perhaps a move backwards into supporting something that the people had spoken against.

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Representative HERBIG of Belfast assumed the Chair.  
The House was called to order by the Speaker Pro Tem.

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Grohman.

Representative **GROHMAN**: Thank you, Madam Speaker Pro Tem, Women and Men of the House. I'm pretty proud of my get-up for color day. I want you to know, and start there. Thank you. Alright, I'm a co-sponsor of this legislation, so you probably know where I stand. Just a couple of quick points, you know, where we fit in New England, you know, once our minimum wage advances to \$12, the highest wage elsewhere in New England where I really think we compete is going to be \$6.38 in comparison. And, I would also point out that we don't have the service charge structure that exists in other states here in Maine statute. But, the real reason I stood up today, a personal plea, please do not use the term "subminimum wage" in conjunction with this debate. I urge you to type that term into your favorite search engine and find out that it means, as someone who has worked extensively with the disabled population, employing them in my business, and I'm proud of that and have felt honored to do so, that's where that particular piece of federal law and labor statute applies, not as part of this debate. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker. My district is home to several restaurants, and the servers are not happy. Many came to testify on this issue and on this bill, and they were thankful to finally be able to speak out. We are representatives of many people with many views, and we are called to represent good sense. Does it make sense to imagine a special interest group coming to us and saying to us, I want you to vote on a bill that does not receive one second of testimony in a public hearing from those involved, that the special interest group tells us we cannot change one word as originally proposed, no legal scrutiny, no access to the Attorney General, and we're to vote on that, in that form, with no changes? It doesn't make sense to me to pass laws without

vetting and allowing the people directly involved to have the basic courtesy of a voice. I recently traveled to two countries, New Zealand and Australia, and in New Zealand, specifically, there -- people don't tip, and you learn very quickly to wait on yourselves. They don't serve you water, the bill can take forever to be brought out to you. You have to look around for silverware. Food comes out cold. When I go out to eat, I admit, I really like to be waited on and I tip accordingly. I think we need to be very careful about legislation like this. We need to listen to our constituents and to the people involved, and I strongly support restoring the tip credit. Thank you.

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

Representative **STETKIS**: Thank you, Madam Speaker Pro Tem. I guess today the million dollar question is going to be that I don't think there's any single simple answer to what was the will of the voters last November when it comes to minimum wage. Well on April 5<sup>th</sup>, this past spring, from 10:00 a.m. to 10:00 p.m. in the LCRED Committee, we were fortunate enough to get a very good sense of that question. This was when the people had their first opportunity to have their voices heard in a public hearing. And, you know, in the three years that I've been here, that day was the one day that I am most proud of, having the opportunity to be a part of with so many working people having the opportunity to have their voices heard. Since then, I was told by several people with many years of experience in this building that the turnout and the amount of testimonies were unprecedented. We had at least three overflow rooms and on public record, right now, there's 178 items of public testimony. After about 12 hours of nonstop testimony from proponents and opponents, there was definitely agreement that question four was about increasing workers' pay. Although some may say it's anecdotal fear or unfounded theoretical sky is falling stories, I choose to believe those who are telling us that this new law, right now, as we speak, are hurting their families. I'd like to take a few minutes and share portions of some of the testimonies of the people who know the industry best, those who make a living earning tips. It's their voices that we are here to listen to and not mine.

Amber McIntyre from Kenduskeag: "I have worked as a server in Bangor for almost 17 years, 16 of which at the same restaurant. I started waiting tables in 2000 while attending UMaine, studying to become a high school English Teacher. I quickly realized that the income potential and flexibility of the service industry offered me fit my personality and lifestyle, and I chose to stay in this profession. I think there is a perception that servers end up waiting tables because they have no viable options. That is not the case. Serving works best for me and my family. I love my job. I love the challenge, the fast pace, and the interactions with my customers. I love the opportunity that my industry affords my family. [And] I am able to stay home with my children during the day, and my husband stays with them in the evenings. Our children benefit from having the undivided attention of their parents while they're young. Eliminating the tipped wage means I will work longer hours to support my family at the level I have in the past. As a numbers person, I keep track of my daily take home income and I can tell you 100% that I have lost money due to the confusion surrounding the tip credit. I have [made] \$2,717 less so far this year than I had made in 2015 and 2016."

Adam Dwelley of Porter, Maine. You don't get much more rural than Porter, Maine. "I am a server/bartender and [I] have been in this industry for roughly seven years. I have washed dishes and managed kitchens, sat tables and tended bar, and most jobs in between. I am not a temporary server. This is my

career and I am one of the lucky ones who can say they I love their job. Three years ago, I was in debt and on welfare, depressed and drinking my life away. I finally got out of the horrible job that I was in and received a server position in a resort in South Florida. Within 6 months I had enough capital to get back to Maine, with the love for this industry that I didn't fully understand. Fast forward two years, I have zero personal debt and I was just approved for my very first car loan. Now, I must give credit to God for helping me up, but the service industry allowed me the peace of mind to not only pull myself out of debt but also keep myself successful."

Kassandra Small of Charleston. "I am a server in rural Maine and I have been waitressing for 9 years. I am able to support myself and my three year old daughter -- completely - off of tips I make through serving. Waitressing is one of the best jobs I could have locally: it pays well and provides the flexibility I need to raise my child."

Wendyll Caisse from Freeport provided us testimony. "They had done a poll of servers in Maine in February to learn what they were making. With 50 reporting from Kittery to Fort Kent the average was \$33.00 per hour in just tips. People want to work in the industry because of the tips."

Erin Speeches of South Portland. "I'm a medical student by night and I'm a server bartender at Easy Day in South Portland. The reason I work there is that it provides a flexible work schedule and financially supports me while I'm in school because I am in [the] tipped industry."

And the last one I'll read today was from a very, very impressive young lady, and I'm probably going to butcher her name, but it's Alex Haight and she's a resident of Ogunquit. She testified, "I grew up in the restaurant business and now I own a small 40 seat, all outdoor, seasonal restaurant in Ogunquit with my brother, Matt." And I failed to mention this young lady is 25 years old. "In the off season, I work as a server to help pay my seasonal debt and support myself. This will be my third year in business and last year I employed 34 people. I'm in favor of increasing the minimum wage in Maine but if the goal of this law was to help employees who need a wage increase, then elimination of the tip credit is not the answer for this industry."

So, after having heard nearly 200 testimonies, there could be no question that in the vast majority of cases, tipped employees earn a good living and eliminating the tip credit has been doing harm and continues to do harm and it needs to be overturned immediately. I'm not only asking for your support of the bill, but for at least two-thirds of us so that our hardworking neighbors can get back on track planning their futures and providing for their families. Thank you.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. *Sing me a song Mr. Piano Man. Sing me a song tonight. We're all in the mood for melody, and everyone's feelin' alright.* I believe I am the waitress practicing politics. I've been in the service industry for about 33 years. It's allowed me the luxury of raising four wonderful children, all the while never missing a baseball game or dance recital. I left the corporate world when I realized I could make twice as much, if not more, as a server and bartender. I never looked back and it's likely in my golden years, which are pretty much here, I will remain in the service industry because I truly love people and my forte is to feed them, pour them a good drink -- nips are never involved, they're too small -- and I make these people happy. My flexible schedule has allowed me the great honor of serving in the

Legislature and working with all of you good people to help create policy that we all hope will benefit Maine people. The small establishment I worked for has already cut hours for much of the back of the house. Those dishwashers, cooks, prep people and bakers, who generally already make over \$9.00 an hour, saw no annual pay increases and will likely not see one in the future because the servers, who are the highest earners, were awarded a 33 percent raise that very few in the industry voted for. Even with the wage increase, my paycheck was very low, sometimes zero, because I claim my tips. That is exactly where I earn my living, by giving the best service possible in the most efficient manner. This new law, which was poorly written, thwarts my ability to earn a good living in Maine. I am not an isolated case. This is happening from Kittery to Caribou. Living and working in a border town makes this referendum question more egregious. Not only did it decrease my earnings but many of my regular customers who are elderly and on fixed incomes are not dining with us as frequently. They tell me they just can't afford the increases, which will continue if we don't fix this ill-thought-out proposal. These same customers sheepishly admit Burger King in New Hampshire will see more of their business. It's just about getting out for many people, regardless of where they eat. When asked why our prices are increasing so drastically, I explained the removal of the tip credit and the huge cost due to the implementation of question four. Time and time again, individuals express their sorrow in voting for this question. They were unaware it changed an entire business model that was working and they wished they could rescind their votes. I can provide you with information that shows the failure of the states and the loss of income for places that did this and will show the miserable failure of such endeavors. I keep hearing legislators say that this is the will of the people. As we heard, those statements are disingenuous at best considering the legislative body voted to create a 17-person committee to change question one, making it more palatable. Furthermore, as we've heard, 71 percent of all referendum questions have come back to the legislative body and have either been amended or fully repealed. You cannot have it both ways. We as a body need to fix this mess before more businesses are harmed worse with considerably higher prices, less business, lower wages for servers, and an overall decline to an industry and model that was not broken to begin with. Thank you for your time and indulgence on this issue that has already proven harmful to the tourism and restaurant industry in Maine, and I urge you to follow my light and I won't sing again.

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

Representative **AUSTIN**: Madam Speaker, thank you. Ladies and Gentlemen of the House, good afternoon. I've had such a good time talking to you as of late that I just could not resist this opportunity to chat one more time before we leave these very hallowed halls. I hail from Gray, which has its own, very own, historic restaurant, Cole Farms, which is approaching its 75<sup>th</sup> year. I, too, learned the early value of the job and the work ethic, serving and hostessing as I went through high school and then on to college. I have the luxury of being on the Business Labor Committee and I had the opportunity to hear this bill not only once, but twice. I heard the bill last spring and then I heard it again this spring in what we would call the May marathon of May 5<sup>th</sup>. Actually, I think we might be trying to compete in this testimony in having our own marathon on a very valued subject. Oh my, there's that word again, tip. Remember the tip of last week, the tip of the nip? I'm thinking now, let's not nip the tip. I want to just share

two salient points I hope that can connect with you after all of this testimony. Picture our room over in LCRED with its overwhelmingly consistent testimony on this bill. As it has been said, it went on for about 11 hours and this is some of the information that we heard. I've made a determined decision to be a wait staff person because I found that I could work hard at a flexible schedule that took into consideration my stage of life. Be it a college student, a young mother, a caretaker of parents, freedoms to travel, get an extended degree, perhaps a master's degree, even down to buying a home as a single man or woman. I love what I do. I have made a place for myself amongst a staff family that is now part of my life. I can make more money in this respectful manner than a 9 to 5 position that cost me much to even go and get to the office. Please leave this arrangement with our restaurants alone. I really like what I do. I love what control I have over my income and my schedule, and I feel very successful here at home in Maine. Alright folks, think about the time you have spent here, many days in committee and in hearings. What is the reason for a piece of legislation? Someone wants something. They want something from the state. They want things fixed. They want a special exemption. They want a special license. They want seed money and maybe some grants. Just speckle those through there. Now, think about that versus this bill, right here, right now. They want nothing. They want us to leave them alone. They want the freedom to do well, to thrive, to be successful in what they, they themselves, have chosen to do. Not us, they chose. When have we ever had it so good here, so easy to make a choice, a decision for folks across our state who would be so grateful to be able to continue working hard to take care of themselves utilizing their personal assets and their abilities? They told our committee on two occasions, thank you for the offer but no thank you. I found that through their amazing testimony and their personal sharing of stories that we have the luxury of having some of the most amazingly bright, articulate, capable, and hardworking people that I would consider as ambassadors to the State of Maine. Will you please join with me as we sing with others. Have it, have at it, go to it and happily let them serve the people of Maine as those that come to break bread with us while they visit our great state. Thank you very much, Ladies and Gentlemen of the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Hamann.

Representative **HAMANN**: Thank you, Madam Speaker, Men and Women of the House. I apologize for rising a second time. I will be brief. I promise not to sing. If I did it would sound like a combination between Bob Dylan and Tom Waits, so I will spare you all and instead read a few quotes. These are some quotes from servers who are opposed to the tip credit. The first server, Catrina, who is a server from Biddeford, said, "the fact that I'm relying solely on the generosity of my customers means I need a more stable base wage. I know tips won't go away and I will continue to provide great service to my customers and feel financially secure in doing so." Second quote from Kent who is a server in Littlefield, "Earning a consistent and full minimum wage plus tips each week, regardless of weather conditions, seasonal variations, and other factors, provides me with the economic security and stability I need to plan for my financial obligations." Madalyn, a server from Portland: "Since [the wage increase] has gone into effect I have seen an increase of about \$25 a week, which has made a big difference during the slow season. Legislators should stand by the will of the people and make sure tipped workers get the same fair wage as

everyone else." Please vote red. Thank you, Madam Speaker.

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

Representative **PECTEAU**: Thank you, Madam Speaker Pro Tem, Ladies and Gentlemen of the House. I rise in support of the pending motion. In policy silos, it is easy to forget the very persons affected by policies set forth. I've read dozens of reports concerning the elimination of the tip credit. Minnesota, Montana, Washington, Oregon, California, Nevada, and Alaska pay servers at least minimum wage without considering tipped earnings. Multiple academic studies indicate a lack of a tip credit has not hindered workers or employers in those states. By most accounts, it seems to work quite well. In fact, I reached out to a friend who serves in Alaska, and she said patrons tip well even though her employer does not use a tip credit. In fact, Alaska topped an analysis of tens of millions of transactions from the POS company Square in 2014 for highest average tip, 17 percent. Madam Speaker Pro Tem, I do, in fact, believe this policy could work well in Maine. However, policymaking is more than what you or I or analyses suggest could work. Madam Speaker, Ladies and Gentlemen of the House, policymaking must include those most intimately impacted. It was clear to me when the committee of jurisdiction surpassed hour 8 or 9 or 10 of public testimony that a significant tide of those intimately impacted were, in fact, not true believers in a policy argued to help them. Unlike the public hearings related to changing other parts of the referendum question, hundreds of tipped workers pleaded with lawmakers to support the LD before this body today. Madam Speaker Pro Tem, the amended version of LD 673 recognizes what stakeholders in the committee also noted. There is always room for improvement. Though federal law permits employers to use three percent of an employee's tips to cover credit card charges, the amended version of this bill prohibits that from occurring. The amendment also defines the timeframe for which the difference in tip wage, tips earned, and hours worked must be accounted. Finally, it adopts a federal notice rule concerning the tipped workers' rights under the law. Policymaking is not easy. It is especially difficult when personal beliefs conflict with the proposed policy at hand. But, Madam Speaker Pro Tem, policymaking cannot be paternalistic. Hundreds of tip workers testified that the policy before this body today is the one that they support. It's a policy that sets forth how they will be making a living, and is the one that they overwhelmingly support. I urge the body to support the pending motion. Thank you.

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

Representative **HICKMAN**: Thank you, Madam Speaker Pro Tem. Madam Speaker, Women and Men of the House, I rise in opposition to the pending motion. I'll briefly quote a restaurateur named Danny Meyer, who some in this room may know. Tipping, quote, "tipping is one of the biggest hoaxes pulled on an entire culture. Tipping started in our country right after the Civil War. The restaurant industry, as well as the Pullman Train Car industry, successfully petitioned the United States government to make a dispensation for our industries that we would not pay our servers. But it wasn't considered slavery, because we would ask our customers to pay tips, and therefore no one could say they were being enslaved. And, no surprise, but most of the people who were working in service professional jobs at that time and in restaurants and in Pullman Train Cars were African-Americans. That's the history of how this started in this country. You don't see this elsewhere. But,

that's what it was, and it created a completely false economy," end quote. I used to be a waiter. It was a very good one I think. I would have to ingratiate myself to certain customers in order to get that tip, even though I gave them great service. I think it should come as no surprise that, here today, if I have an opportunity to vote against, or for removing a vestige of slavery from our statutes, I will take that opportunity and that is why I oppose this motion. Thank you, Madam Speaker Pro Tem.

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

Representative **POULIOT**: Thank you, Madam Speaker. I'm just questioning whether or not we have a quorum?

Representative POULIOT of Augusta inquired if a Quorum was present.

The SPEAKER PRO TEM: The Chair would declare there is a quorum.

The Chair declared a Quorum present.

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The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. May I address you as Madam Speaker, because you are the Speaker? You are a Pro Tem while you approach, but you are now the Speaker. I want to share a little story about Saturday mornings in Bangor. They have a Chamber of Commerce, and many of us attend what is called the hot stove meeting. A lot of business people, mostly non-profits, but this year it was a little different. Early on in our monthly meetings, restaurant owners were around the horseshoe, which surrounded the whole room, including seating behind, and asked us to repeal this referendum piece that was thrust upon their employees. A couple of months later, several of the wait staff came to the meeting and begged us to repeal this piece of this referendum. They had three major points. One was, we never asked to be helped. We were thrown into this referendum because, we feel, that we were a tool to pass this referendum. They mentioned that this was a job of choice; I chose to do this, because my husband works a day job. I'm able to work an evening job, so we have help for our children at home from when they get home from school, on the weekends. This is my choice, and this has just lost me \$700 in the first two months of this year. I make more money than my husband does because of this job. This is my choice, and they were on the verge of weeping because of what this referendum has done to their family. Again, this is their choice. Again, she had lost \$700 of income because of this referendum in the first two months of this year. Again, we never asked to be helped. It was a tool to sell this referendum. Please repeal. Thank you.

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

#### ROLL CALL NO. 302

YEA - Alley, Austin B, Austin S, Bailey, Bates, Battle, Bickford, Black, Blume, Bradstreet, Campbell, Cardone, Casas, Cebra, Chace, Corey, Craig, DeChant, Denno, Dillingham, Duchesne, Dunphy, Espling, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Gerrish, Gillway, Ginzler, Grant, Grignon, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Higgins,

Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lockman, Longstaff, Luchini, Lyford, Madigan C, Malaby, Mason, Mastraccio, McCrea, McElwee, McLean, Monaghan, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Riley, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sherman, Simmons, Sirocki, Skolfield, Spear, Stanley, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Warren, White, Winsor, Wood, Madam Speaker.

**NAY** - Ackley, Babbidge, Beebe-Center, Berry, Brooks, Bryant, Chapman, Collings, Cooper, Daughtry, Doore, Farnsworth, Fuller, Gattine, Golden, Hamann, Handy, Harlow, Hickman, Lawrence, Madigan J, Martin J, Martin R, McCreight, Melaragno, Moonen, Perry, Reckitt, Rykerson, Sheats, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Zeigler.

**ABSENT** - Marean, Stearns, Ward.

Yes, 110; No, 37; Absent, 3; Excused, 1.

110 having voted in the affirmative and 37 voted in the negative, with 3 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-209)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-209)** in concurrence.

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

#### SENATE PAPERS Non-Concurrent Matter

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019" (EMERGENCY)

(H.P. 281) (L.D. 390)

Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)** in the House on June 12, 2017.

Came from the Senate with Report "C" (2) **OUGHT TO PASS AS AMENDED** of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475)** in **NON-CONCURRENCE**.

On motion of Speaker Pro Tem HERBIG of Belfast, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

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

#### UNFINISHED BUSINESS

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

**HOUSE DIVIDED REPORT** - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-356)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Eliminate the Indexing of the Minimum Wage to Inflation"

(H.P. 558) (L.D. 778)

**TABLED** - June 1, 2017 (Till Later Today) by Representative **FECTEAU** of Biddeford.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative **FECTEAU** of Biddeford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Biddeford, Representative **FECTEAU**.

Representative **FECTEAU**: Thank you, Madam Speaker Pro Tem, Ladies and Gentlemen of the House. I rise in support of the pending motion. The minimum wage has been raised more than 30 times since our state established a \$1 an hour minimum wage in 1959. Because the state's minimum wage does not automatically increase with the cost of living, prior to November's referendum question, minimum wage had less purchasing power than it did in 1968. I often hear from those in business that predictability is paramount. Rather than have the Legislature wrestle over a ten cent increase here, or a 25 cent increase there, or send ballot questions to the voters when a raise is long overdue, indexing to inflation removes the political elements of giving a raise to working men and women earning minimum wage. Madam Speaker Pro Tem, please follow my light.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Farmington, Representative **HARVELL**.

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. In 2020, the minimum wage in this state will be \$12. Thereafter, who knows because it will be linked with a printing press in Washington. And, any business might look at this state and they may be able to decide they can live with \$12 or not live with \$12, but as they look at it now, they have no idea what this is actually even going to be. If you do not repeal this, and we will be dealing with this later on -- there's no doubt about this. But, even any business that's looking at coming here between now and then has no idea what the predictability of this may be. Now, it feels good because we can just say, oh, let's just let it run with inflation. But when that happens, you have no control over this, what happens. When you raise minimum wage too high and the labor market is doing that, you're working with that flow. When that downturn happens and those wages are too high, the only thing that a business will be able to do, is shed labor. This is just basic economics. But, if you want to keep leaving the minimum wage in this state to the control of the federal printing press, then vote yes. If you want to take control of it for yourself and for our own state, then I can suggest you follow my light.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker. I wonder if I might pose a question through the Chair.

The **SPEAKER PRO TEM**: The member may proceed.

Representative **SIROCKI**: I'm wondering, with the automatic indexing of the minimum wage, if in the future we should face a financial crash, a decline, does the minimum wage also decline? Thank you.

The **SPEAKER PRO TEM**: The member has posed a question through the Chair, is there anyone in the chamber who wishes to answer? The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. You know, ever since, well, last year when the minimum wage was \$7.50 and in 2020 when the minimum wage will be \$12, that is a 60 percent increase. The impact on our businesses and, indeed, the impact on our health care industry where I sat over the last six, seven years in that committee, and I heard repeatedly about the need to raise wages to attract and retain people. We are beginning to institutionalize inflation. Indeed, elections do have consequences and the consequence of the indexing is going to be felt for a long, long, long time. And, if you do not like our budget now as being discussed, you're going to hate it in two years. Because every couple of years it's going to go up, and with it will be the compression effect. And everyone, everywhere will be asking for more, more, more, more, with no necessary tie to what is known in business as productivity. I cannot support this and I ask you also not to support it. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Auburn, Representative Melaragno.

Representative **MELARAGNO**: Thank you, Madam Speaker, Men and Women of the House. I rise in support of the pending motion and against any effort that seeks to dismantle the very popular minimum wage law enacted in January. Indexing the minimum wage to inflation will help protect against stagnating wages, which has been a problem for decades. While campaigning, I've talked to a lot of constituents who worked for unjustifiably low wages. One example was a hardworking family of four who live in a substandard apartment on Main Street. They are a two-income household and still qualify for public assistance. And yet, even with that, they have to rely on local food pantries. They still can't make ends meet, and they're desperate. I talked to a young woman who worked to obtain her hairdressing license only to find in her first job that she was only making minimum wage. She was doing the right thing; getting some education to move up financially, only to discover it didn't pay off at all. I also think of a gentleman who told me that he was planning to leave Maine because the wages are so low here, that it didn't make sense to stay -- a bad trend at a time when we're trying to attract workers to the state. As a wage worker myself, I get a front seat to see the forces at work that keep wages low, especially for women. I've been a phlebotomist, a mental health worker, and a retail worker. As a phlebotomist, a job that requires a number of important skills, I made a dollar and change above minimum wage. When my colleagues and I made an effort to get a raise, the president of the company actually made reference to our demographic profiles when trying to justify such low pay. He said that some of us were college students and would move on quickly. Another day, he looked at a room full of female workers and

said, "Most people who work this job aren't the main breadwinners in their family." Interestingly, he never said we weren't earning higher pay. So, there's still these deep-seated beliefs about who deserves to make money, and who needs to make good money and who doesn't. Often, just based on factors like age or gender. In another incident at that same job, it was announced that only a finite number of us were going to get a, quote, "merit raise" that year, without initially telling us who it would be. So, here we were scrambling over each other to get this raise, which turned out to be less than the increase in the cost of living that year. Low wage workers frequently experience these insults.

As a mental health worker, another low wage job, the supervisor increased my caseload by 50 percent and didn't give me a token raise until a year and a half later. Some employers try to get as much as possible out of you while paying as little as possible. These examples are just a snapshot of what low wage workers go through. Keeping a fair \$12 an hour wage, plus indexing, on the books will offer workers some protection from these injustices in the workplace. Remember, the minimum wage has risen only 25 cents in the last eight years. We have some catching up to do, and we obviously have to take the issue out of the hands of politicians. Thank you.

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

Representative **ACKLEY**: Thank you, Madam Speaker Pro Tem, Men and Women of the House. I rise, actually, to answer the question of the good Representative from Scarborough, Representative Sirocki. This particular -- the law as it stands now links the minimum wage to the consumer price index, and I think this point is actually a very reasonable answer to the good Representative from Farmington, Representative Harvell's concerns about economic downturns. Because the consumer price index, with a short lag, actually follows our economic activity. That's the design of this index, and so, if we experience an economic downturn, then the consumer price index would certainly reflect that. So, if the consumer price index goes down, so does the minimum wage. Thank you, Madam Speaker Pro Tem.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Madam Speaker. I rise to answer the question posed by my seat mate, the Representative from Scarborough. No, if there's an economic crash the indexed minimum wage will continue to go up. Thank you, Madam Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Eddington, Representative Lyford.

Representative **LYFORD**: Thank you, Madam Speaker. As a business owner from both the first and the second district, I think we are missing the point here. The minimum wage is an entry-level wage. You know, I refer to my granddaughter, who is a junior in high school, went for her first job. So, she went to Dairy Queen because she loves ice cream. She made the application out, and the manager looked at it and said, now Hailey, you don't want to work nights, weekends, and you want two weeks off for Camp Jordan. You know, this is the type of people that we're talking about as entry-level people. I've got a first year Maine Maritime Academy man working for me in Gorham, who doesn't even know how to start a lawnmower or put together a wire tie. So, you know, dropping \$12 an hour, I'm not going to hire people like that junior in high school and pay them that kind of money. I will not do it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise this afternoon not as a business owner or former business owner or a Representative, I rise before you as a town councilman in Lincoln. I understand that we need to pay a living wage. I'm a firm believer that you pay based upon experience. You get paid upon merit. But, since the referendum passed last November, Kathy Gilmore, the day before it went into effect, laid off 9 people. Angie Belt, that owns Tim Hortons where my daughter works, which she just started her first job at 16, she indexed her wages, she laid off three, she raised the prices 12 percent, her business has dropped off three percent. That is fact. In going through a budget in town, because of the minimum wage versus last year, our rec department for our life guards went up \$6,400. So, that in turn is going to drive a portion of the mill rate, which then is going to affect the elderly, the truly needy so, if this continues to index, I foresee that small business across the state, more so in rural parts of the state, are going to be affected, and we're going to be paying higher in unemployment and other costs related to it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Oakland, Representative Perkins.

Representative **PERKINS**: Thank you, Madam Speaker. I rise today to talk about our very roots of Maine – farmers. I've had a number of calls from farmers. We have no farms in Oakland now, but some in Sydney. And they said, "Mike, how are we supposed to get our cows milked? We can't afford the help if it goes to \$12 an hour. We're only getting x, y, z amount of money per hundredweight for our milk." People who are harvesting trees, "Mike, how are we supposed to hire people to work to get our trees out of the woods?" Again, high wages. Look at McDonald's and Dunkin' Donuts, how's that working for us? A cup of coffee every morning now is costing me a lot more money. I like my morning coffee, but it's now \$2.38 at Dunkin' Donuts. I think we have to really sit down and look at this, because this higher wage is not going to help us. Minimum wage is actually a minimum wage, it is an entry level wage. It's not a career ending or career all, to make a living off of working at McDonald's, it's an entry level. If we continue this, McDonald's will go all automated like a lot of them already have. And then what are our high school kids going to do for work, where are they going to work then, and then how are our farmers going to produce the milk? Thank you, Madam Speaker.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 303

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Marean, Ward.

Yes, 79; No, 69; Absent, 2; Excused, 1.

79 having voted in the affirmative and 69 voted in the negative, with 2 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-210)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Base the Minimum Wage on a New England State Average and To Restore the Tip Credit"

(S.P. 277) (L.D. 831)

Which was **TABLED** by Representative FECTEAU of Biddeford pending **ACCEPTANCE** of either Report.

Representative FECTEAU of Biddeford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **FECTEAU**: Thank you, Madam Speaker Pro Tem. I rise in support of the pending motion. Nearly 50,000 Mainers work more than one job to support their families. One of every three Maine families falls below 200 percent of the federal poverty line. Prior to the November referendum, over 145,000 Maine workers, more than a fourth of the state's workforce, worked in low wage jobs. With the first raise from \$7.50 to \$9, 103,000 Mainers received a wage increase. When fully implemented, the increase will impact 181,000 Mainers. Madam Speaker Pro Tem, it's no surprise, given the number of people lifted up by the wage increase, that 420,892 Mainers voted in favor of question four last November. In fact, nearly 100,000 more Mainers voted for question four than voted for either one of the major party candidates for President of the United States. Mainers made this decision. The determination of the minimum wage was not decided for Mainers by Massachusetts, Vermont, New Hampshire, Connecticut or Rhode Island. Madam Speaker, please follow my light and the lights of the 420,892 Mainers who supported question four last November.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 304**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Guerin, Marean, Pierce J, Ward.

Yes, 79; No, 67; Absent, 4; Excused, 1.

79 having voted in the affirmative and 67 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Support Maine's Employers and Encourage Employers To Hire Young Workers"

(S.P. 565) (L.D. 1609)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford

BATES of Westbrook

DUNPHY of Old Town

HANDY of Lewiston

MASTRACCIO of Sanford

SYLVESTER of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-246)** on same Bill.

Signed:

Senators:

VOLK of Cumberland

LANGLEY of Hancock

Representatives:

AUSTIN of Gray

LOCKMAN of Amherst

STETKIS of Canaan

VACHON of Scarborough

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-246).**

**READ.**

Representative FECTEAU of Biddeford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **FECTEAU**: Thank you, Madam Speaker Pro Tem, Ladies and Gentlemen of the House. I rise in support of the pending motion. One of the concerns with this bill is a provision concerning a compulsory service charge at restaurants. The provision does not specify how the charge is distributed but does make clear that it is the property of the employer. From my perspective, Madam Speaker Pro Tem, this proposal conflicts with all the reasons why I voted to reinstate the tip credit earlier. The last thing the restaurant industry needs is more confusion, and certainly, the last thing tip workers need is their customers thinking that a service charge suffices as a tip. Madam Speaker, Ladies and Gentlemen of the House, I urge you to follow my light.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 305**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Guerin, Marean, Ward.

Yes, 80; No, 67; Absent, 3; Excused, 1.



80 having voted in the affirmative and 67 voted in the negative, with 3 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-248)** on Bill "An Act To Establish a Minimum Wage for Minors"

(S.P. 330) (L.D. 991)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford

BATES of Westbrook

DUNPHY of Old Town

HANDY of Lewiston

MASTRACCIO of Sanford

SYLVESTER of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-249)** on same Bill.

Signed:

Senators:

VOLK of Cumberland

LANGLEY of Hancock

Representatives:

AUSTIN of Gray

LOCKMAN of Amherst

STETKIS of Canaan

VACHON of Scarborough

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-249)**.

**READ.**

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

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

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

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

#### ROLL CALL NO. 306

**YEA** - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Campbell, Cardone, Cebra, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman,

Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Sherman, Skolfield, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

**NAY** - Austin S, Bickford, Black, Bradstreet, Casas, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

**ABSENT** - Marean, Ward.

Yes, 83; No, 65; Absent, 2; Excused, 1.

83 having voted in the affirmative and 65 voted in the negative, with 2 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-248)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-248)** in **NON-CONCURRENCE** and sent for concurrence.

#### UNFINISHED BUSINESS

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

**SENATE DIVIDED REPORT** - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-190)** - Minority (6) **Ought Not to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Establish the Commission To Study the Phase-out of Subminimum Wage

(S.P. 371) (L.D. 1117)

- In Senate, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**TABLED** - June 6, 2017 (Till Later Today) by Representative FECTEAU of Biddeford.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

Subsequently, on motion of Representative FECTEAU of Biddeford, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-190)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-190)** in **NON-CONCURRENCE** and sent for concurrence.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-389)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Increase Fines for Certain Wage and Benefits Violations"

(H.P. 705) (L.D. 1004)

TABLED - June 5, 2017 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.** (Roll Call Ordered)

The SPEAKER PRO TEM: A roll call having been previously ordered, the pending question before the House is Acceptance of the Unanimous Committee Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 307**

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Dillingham, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Grohman, Guerin, Haggan, Hamann, Handy, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Reed, Riley, Rykerson, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Sherman, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Warren, White, Winsor, Wood, Zeigler.

NAY - Bickford, Foley.

ABSENT - Marean, Ward, Madam Speaker.

Yes, 145; No, 2; Absent, 3; Excused, 1.

145 having voted in the affirmative and 2 voted in the negative, with 3 being absent and 1 excused, and accordingly the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-389)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-389)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (H-483)** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "B" (H-484)** - Report "C" (2) **Ought Not to Pass** - Report "D" (1) **Ought to Pass as Amended by Committee Amendment "C" (H-485)** - Committee on **CRIMINAL**

**JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit Female Genital Mutilation"

(H.P. 525) (L.D. 745)

Which was **TABLED** by Representative HERBIG of Belfast pending the motion of Representative WARREN of Hallowell to **ACCEPT** Report "B" **Ought to Pass as Amended**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. No, I rise in strong opposition to the pending motion. LD 745 is a bit unusual. It received three different Minority Committee Reports. I oppose all of them. When I was first approached by a concerned citizen of Maine regarding a bill to prohibit something called female genital mutilation, I admit that I thought this cannot possibly be happening to little girls in our country or in the State of Maine. Sadly, I discovered I was wrong. Where is my proof? I found it right here in MaineCare's billing program. Maine's Medicaid program uses specific codes for specific medical procedures. In 2016, several different ICD 10 billing codes were utilized to treat eight individuals, here, in Maine. While doing research on this bill, an acquaintance shared a story that took place in Lewiston last year. Two little girls, both Somalian, presented to the hospital. They were sick. One was very sick. One girl's father was hesitant to allow the girls to be examined. Finally, the nurse convinced him. FGM had been performed on both girls. One girl had a severe infection, and the other had been stitched up so tightly she could not urinate. Her urine was backing up into her kidneys. She could die. When I asked if there were any official reports, the answer was no, not one. Then I discovered that Maine's mandated reporter laws are extremely weak. Really, just a slap on the wrist for failure to report. A \$500 fine. That's it. After my query three months ago, the Maine Department of Health and Human Services did issue a memorandum to remind all mandated reporters that female genital cutting, as it is sometimes referred to, is considered child abuse, and it is a reportable offense, just in case the doctors, nurses, and any other mandated reporters forgot. Madam Speaker, I think it is important to recognize that female genital mutilation is regarded as child abuse, and as such, doctors, nurses, teachers, any other professionals that are mandated reporters, must report this. I have heard many other stories of girls upon reaching puberty who are unable to menstruate; they are stitched up too tightly. I have had heard stories of women giving birth and needing reconstructive surgery. Yes, in Maine, private Facebook messages from nurses. So, what is female genital mutilation, or FGM? It is the custom of cutting external female genitalia for nonmedical purposes. It is known to be performed in 29 countries, including the United States. Often, midwives or physicians perform the procedure, and very often without any anesthesia. According to a 2015 *Newsweek* article entitled "Female Genital Mutilation on the Rise in the United States," in quotes: "The practice predates religion and has no religious significance in either Islam or Christianity," end of quotes. However, communities of both faiths continue to circumcise their daughters, believing it will cleanse or purify the girl, ensure she remains sexually chaste, prevent cheating on her future husband, and keep her behaving well. To be clear, while FGM is sometimes viewed as a religious ritual, it is not a formal part of Sharia law, and it is not part of the Islam faith, and it is not

promoted in the Quran. Neither is it promoted in the Bible. Four years ago, the Population Reference Bureau analyzed data from the American Community Survey, and in 2013, four years ago, it was estimated that 1,603 females were at risk in Maine for either already having been subjected to FGM or as potential victims, and of these, 399 were girls under age 18. In other words, about 400 little girls are at risk in Maine. According to the American Immigration Council, Lewiston is home to 3,500 Somali immigrants, and they account for 10 percent of the city's population, making it the, in quotes, "highest concentration of Somalis in America," according to a report by the United Nations Development Program. Yesterday, a UNICEF brochure was delivered to each of our desks. It indicates that 98 percent of females aged 15 to 49 have undergone genital mutilation in Somalia, almost 100 percent. The Immigration Resource Center of Maine also identifies that East African immigrants number approximately 7,500 in Androscoggin County and approximately 5,000 people in Cumberland County. These individuals come from Somalia, Sudan, South Sudan, Djibouti, Rwanda, Burundi, and Congo, and to a lesser extent, Ethiopia, Eritrea, Kenya, and Tanzania, with the large majority of individuals arriving in the United States during the past 15 years. This is a rather long way of illustrating that Maine has welcomed thousands of families from countries that have a strong culture with a history of performing FGM. If you look at the UNICEF brochure, you will recognize some of those countries. FGM is sometimes referred to as female circumcision, which it clearly is not. From a recent opinion column by Ayaan Hirsi Ali, an FGM survivor, she explains in some graphic detail the various types of mutilation. I would like to read them out loud to help you understand what the Federal Government has banned, and what I hope the State of Maine will also agree with prohibiting. One is called the nick. The girl is held down, her legs pushed apart and a needle is used to prick her clitoris. The incision is similar to a finger prick test for diabetes. Blood comes out and the girl is considered cleansed. Often there is a ritual with a little party to celebrate the procedure. The second type is called female circumcision. The second method, in terms of severity, is often compared to male circumcision. The hood of the clitoris is cut off, in some cases, the tip of the clitoris is cut off, known as a clitoridectomy. In this form, an otherwise normally functioning body part is sliced off and thrown out. Disfiguring a little girl's genitals in this way cannot rationally be considered anything but mutilation. Then there's the third type, intermediate infibulation. In the third form of FGM, as much of the clitoris as possible is dug out and removed. The inner labia are cut off and the outer labia are sewn together, leaving two small holes for urination and menstruation. In places where this is done, without medical intervention, girls have been known to bleed to death. After infibulation is done, there's imperceptible what has taken place when the girl stands up with her legs together. But in the obstetrician's position, it is clearly visible that parts of her genitals have been removed and sewn up. Then the fourth type, total infibulation. In the fourth type of FGM the clitoris and the inner labia are cut off and the outer labia are cut or scraped off, too, then sewn up. When the girl stands, even with her legs closed, her genitals clearly look different. The fifth and final type is known as vaginal fusing. In the fifth type of FGM, which is rarely discussed, all of the fourth type is done, and then the inner walls of the vagina are scratched to cause bleeding and a sewing is done again. The girl's feet are tied together in an effort to fuse the sides of the vagina with scar tissue to close it up. In 1996, Congress passed legislation making all types of

FGM a federal crime. And, because some immigrants have been caught taking their daughters back to their countries of origin, in 2012 Congress passed the Transport for Female Genital Mutilation Act, making what is now known as "vacation cutting" illegal. Despite these laws, FGM is on the rise in America. The Centers for Disease Control and Prevention estimate approximately 513,000 women and girls in the U.S. are at risk of, or have been subjected to, FGM and cutting in the year 2012; a threefold increase from its 1990 data. While the U.S. does have federal laws banning this deep-seated tradition, 24 other states have also enacted state laws to help protect these children and help clarify the ban for state prosecutors. To stop this practice, we must have laws in place, we must enforce them. District Attorney Meghan Maloney's testimony is clear. She explains that prosecutors need a state law in order to prosecute. I was pleased to learn the Immigrant Resource Center of Maine has been informing those who are newly arrived in Maine and those with daughters that female genital mutilation is illegal, at the federal level. Furthermore, it was revealed during the public hearing, and clarified at the work session, that the United States Health and Human Services Office on Women's Health selected eight high-risk locations across the country to receive a substantial three-year federal grant to prevent female genital cutting for girls most at risk. And the Maine Access Immigrant Network, serving both Portland and Lewiston, was selected as one of the recipients. They receive about \$230,000 a year. Funding for this education and outreach program began last summer. LD 745 was submitted to establish a clear prohibition on FGM and to establish a ban on vacation cutting. Last month, former FBI director, James Comey, appeared before the United States Senate Judiciary Committee to speak about three recent arrests involving female genital mutilation and vacation cutting that occurred in the State of Michigan. The parents were from Minnesota. He said, this is the most important work we do, protecting children especially. Why do the parents arrange for their little girls to travel across state lines from Minnesota to Michigan to be cut? It is my understanding that Minnesota has a prohibition in state law, and Michigan does not. This is why state law is vitally important. Female genital mutilation is a human rights issue, and it is a child abuse issue. I am hopeful that this body will join me and reject this and any other Minority Reports. The education piece is already in place and it is well-funded. Instead, we need to help Maine become the 25<sup>th</sup> state to ban this harmful practice and help protect Maine's at-risk little girls. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Madam Speaker, Men and Women of the House. I also rise today in strong opposition to the pending motion. I think it is crucial, important for the body to understand exactly what FGM is, and it does involve the removal and/or sewing or stapling of the female anatomy. Many people testifying in committee against this bill said the same thing. We are opposed to this. This is sexual assault. We don't want this for our children. Over and over, we heard that. We are opposed to this for minors, yet the very data sheet that was handed out in committee by a group that stated they were against the practice on minors indicated on their literature handout that female genital mutilation tends to happen to girls under the age of 15. Think about that. We heard from one mother of four who she herself had experienced FGM as a youngster. She is unable to work during menstruation. She has chronic bladder infections and described the absolute pain and distress of having bowel

movements. This is cruel and gruesome practice. Hearing and learning about FGM, especially from our Maine prosecutors, I was stunned that this was not against the law in Maine. Twenty-four other states have passed this bill into law, and for good reason. We heard from District Attorney Stephanie Anderson of Cumberland County and District Attorney Meghan Maloney from Kennebec and Somerset Counties, who both said, "Maine prosecutors need this law, as they are not able to prosecute these horrific cases with current statute." We heard a great deal in committee regarding educating the community, and that was what was needed, not this bill. During the work session, we learned from DA Stephanie Anderson that Maine is already the receiver of federal grant money, \$230,000 per year in fact, that goes directly to an agency called Honor, Educate, Respect, also known as HER, for the exact purpose of educating the community. So, I strongly disagree with the need for education funding, we are indeed receiving it now. You might ask yourself if this is really happening here in Maine. Think about this. If it's not happening here, then why did the Federal Government choose Maine to receive funds explicitly for this purpose? What we need to do today is send the strong message that Maine is not going to tolerate this practice on young girls. Besides all of the medical complications and physical problems caused, the girls are also psychologically affected for the rest of their lives. We need to stand in their corner, help them, protect them. I ask you to follow my light and oppose this pending motion. Thank you.

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

Representative **MASON**: Thank you, Madam Speaker. When this bill came forth and I spoke with the good Representative Sirocki about it, I took the liberty to speak with a couple of family members that work at a very large Lewiston Hospital, and both of these members have been part of the labor and delivery for, one, over 40 years, and the other 25 years. And, what I was told by both of them, that many of these women come -- and Somalis tend to have a lot of children -- many of these women often have to have reconstructive surgery because birth is so horribly painful for them. I was told that many of them suffer throughout their life with many different conditions, but birth is one of the worst for them, and it is something that has to be done before they can give birth. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgton, Representative Ginzler.

Representative **GINZLER**: Thank you, Madam Speaker. I rise in strong opposition to this motion. Federal law is clear. In the United States, female genital mutilation is not a practice, it is a crime. It is a crime to brutalize little girls by disfiguring their genitalia and condemn them to a life of serious health issues, both physical and emotional. Maine law should be very clear also. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of this House, everyone in this room wants female genital mutilation to never, ever happen. The Ought to Pass as Amended Report by Committee Amendment "B", the Report that I am moving this afternoon, is the only Report that is evidence-based. It's the only Report that is evidence-based. It was inspired by hours of meetings with national policy experts, with victims' advocates, and with members from the communities. Again, Madam Speaker, we all share the same goal. Our shared goal is we

don't want female genital mutilation to ever happen. Committee Amendment "B" is the only Report from the committee which supports an approach that is supported by those national policy experts, by victims' advocates, and by members from the communities. Women and Men of the House, I ask that you stick with me, that you vote yes to accept the Ought to Pass as Amended Report, and that you support this evidence-based public health solution. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Madam Speaker. I wanted to pose a question through the Chair if anybody who cares to answer?

The SPEAKER PRO TEM: The member may proceed.

Representative **LOCKMAN**: Can anybody tell me -- Amendment "B," the amendment that's before us, is that strictly an education piece? Does it contain any provision that outlaws this practice in any way?

The SPEAKER PRO TEM: The member has posed a question through the Chair. Does anyone wish to answer? The Chair recognizes the Representative from South Portland, Representative Reckitt.

Representative **RECKITT**: Thank you, Madam Speaker Pro Tem. Talk about the things I don't want to talk about in life. Twenty years ago, I began teaching human biology and ethics at Springfield College in New Hampshire and Massachusetts. At that time, I began teaching about the practice of female genital mutilation. My students couldn't believe that it existed anywhere in the world. In fact, I used to make them write papers in this class, and one of the best papers that was ever done was about female genital mutilation. I tried to find it when this debate began. It was written by a young man who started horrified, and began to get understanding of why this was such a terrible ethical problem. I later taught about this practice at the University of Southern Maine when I taught Human Biology there. It is not a practice that anyone on the Criminal Justice Committee, anyone on this amendment, anyone on the bill all together, thinks is a good thing. But, what I do know is that I have worked for years with new Americans in this area. I've worked with them on domestic violence, I've worked with them on sexual assault, I've worked with them on transitional issues in their community. I got to know a woman who later testified at the Criminal Justice Committee on this issue who is, in fact, a survivor of female genital mutilation. She and I became friends. I went to visit her where she lives in Lewiston. We had lunch together. I've worked with her on domestic violence issues for a long time. I knew of her history in the refugee camps. I knew of her struggle to arrive in America. What I didn't know was that she was a survivor of female genital mutilation. This is not a topic easily talked about by anybody. It's not easy for us to talk about. I'm absolutely astonished that Representative Sirocki managed to get through her testimony. It would have been very difficult to do. I think that it's very important that we understand that the communities affected are really impacted emotionally by the fact that many of them, many of them are survivors of this practice, not in the United States but in their home country. And in fact, one of the women who testified at the committee was so grateful that her three young girls live here and are never going to be subjected to the practice that has debilitated her life for years. The place where I differ from this, and I think you'll notice that I was originally on the Ought Not to Pass Report. And, I was on the Ought Not to Pass Report because I knew that the communities who suffer this practice in their home countries have not been, in my view, adequately talked with about what

we should do about this issue. I want to know what those communities want done to prevent this practice, because I know that they want to prevent this practice in the United States. I do not believe that it is happening in the State of Maine. I truly do not believe that. And, I believe that if it were to happen, it would be prosecuted vigorously by the federal prosecutors and by the abuse statutes in this state. That may not be enough, ultimately. If you could prove to me there was literally a case here, I would be the first one on the firing line. I might even go for a mandatory sentence. You never know with me, I could change my mind. But, I think it's really important to know that I don't believe it's happening here, I don't believe it should, and I think the best way to ensure that it doesn't is to do two things. One is to educate the mothers and grandmothers who are the people in the old country who did this practice, hard as that is to believe. I believe that those people need to be educated as to the facts of the long-term effects, and the importance of what's happened -- both to them, and that they can prevent from happening to their children. It's important to me to understand how the community itself wants to combat this, because I know they do. And what I fear is that the women who are survivors of this horrendous practice will not come forward for either education or assistance, because they fear that medical personnel would look at them and be totally horrified and not want to even deal with the situation that they're facing. Which some have raised earlier in the debate concerning child birth or menstruation or other things that are incredibly impacted by this procedure. Doctors in this state, nurses in this state, public health people in this state, have to understand the reality of it and how to deal with the adult survivors or the teenage survivors, depending upon when immigration happens. It's exactly why medical personnel, I think, are even more critical than the education for the community because, as you've heard, we've had some monies come into the state to do that, and we haven't had them come in because they think there's a rampant happening of this instance here. They just know there are a lot of new Americans from the countries that are particularly impacted by this practice. I think that it's the fact that adult survivors are likely rampant in Maine, because we have a large series, I hesitate to say Somalis, although that's part of it, but refugees from various areas in the world where this is happening, and it is not just the Somali community. It is all over the Middle East, it's all over Africa, and it's very persistent in those places where misogyny, frankly, reigns supreme. The reason this practice happens is because women are intended to maintain chastity. It's like the modern version of the chastity belt from the middle ages. It's insane. We cannot have it happen, and to best prevent it we can provide services to survivors, we can provide education to prevent it from ever happening in this state. And, I urge you to pass Amendment "B" to this bill, which Representative Ross has proposed, and I hope you'll join us to do that. Thank you.

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

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I find it incredible that we have to discuss making the mutilation of little girls' genitalia a crime. Is it because we can't see it? If the practice was to cut the tip of her nose off, would we have to discuss whether that is a crime, or an act of violence against a child? I think not. I ask you to oppose this, and join me when I vote. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Madam Speaker. I rise a second time to answer the good Representative from Amherst's question. The Committee Report "B," that is before the body, deals solely with directing the Department of Health and Human Services to develop and administer a community-based education and outreach program. The only Committee Report that deals with the prohibition of this practice is Committee Report "A." Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. November 4, 2004, on the streets of Amsterdam, Theo Van Gogh, whose great nephew was the painter, began doing a typical Dutch thing, riding his bike to work, when he was assaulted, shot, his throat slit, and then a large note, pinned to his body with a butcher knife, said, "You're next Ayaan Hirsi Ali." And what was this Somali immigrant member of Dutch parliament's crime? That when she got there, she began to discuss the issues of female genital mutilation, which she went through, and the fact that these things were happening in the Netherlands itself. In western civilization, in a globalized society, we need to be able to say to immigrants that are coming here, you can bring certain of your cultures and customs, yes. But, there are certain ones on which we will not back down. We went through our own reformation and our own enlightenment, and we are not going to back down when it comes to the mutilation of our females. Not here, not anywhere in the west.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Talbot Ross.

Representative **TALBOT ROSS**: Thank you, Madam Speaker. Madam Speaker and distinguished Men and Women of the House, I believe that we all agree that female genital mutilation, FGM, should be eradicated throughout the world. For the people of Maine, we are fortunate that under current state and federal law it is already illegal to perform FGM. As you have heard, the Maine Department of Health and Human Services, as recently as March 3, 2017, sent a letter to all mandated reporters that makes it very clear -- FGM is child abuse under Maine law. We know that there are women and girls living in Maine who are survivors of FGM. We heard from some of them directly in the public hearing, and they have asked, they made it clear, they begged us to work with them moving forward. One of those at the hearing, the Maine Access Immigrant Network, testified on behalf of survivors against the bill as written, and said that the best way forward was through increased education, culturally responsive training, and community outreach. But, I want to quote an Injured Agency Statement issued by a number of human rights organizations including UNICEF and the World Health Organization, titled Eliminating FGM, about bringing an end to female genital mutilation. They said that it requires a broad-based, long-term commitment. It cites experiences over the last two or three decades that have shown there are no quick or easy solutions. The elimination of female genital mutilation requires a strong foundation that support successful behavior change. Decades of prevention work undertaken by local communities, governments, and national and international organizations have contributed to reduce the prevalence of FGM. Communities that have employed a process of collective decision-making, that's really important to understand how we should be moving forward. Collective decision-making, survivors at the table, have been able to abandon this practice. The legislation before you, the amendment, establishes a community-based, community-led,

education and outreach program. It funds culturally specific services, even more than what we've heard about. It allows for evidence-based training and public health programs to take place within the Department of Health and Human Services to support the survivors of FGM and to increase and enforce and enhance our existing successful efforts to ensure that FGM does not happen here in Maine. I believe that this amendment is the long-term commitment we need in eradicating FGM in Maine. I strongly urge you to follow my light, and thank you sincerely for this opportunity to address the body on this matter.

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

Representative **COREY**: Thank you, Madam Speaker Pro Tem and Men and Women of the House. I sit on the Criminal Justice Committee too. At the end of the day, mutilating someone's genitals to make them chaste, to make them pure, keep them from wandering, and against their will is sexual abuse, life-altering disfigurement, and horrifying. Crimes like this are exactly why we have a Criminal Justice System. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Madam Speaker Pro Tem, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. With great respect for the work of the committee, my colleagues on the Criminal Justice and Public Safety Committee, and for those who have spoken before, I think it is clear that we all agree that this practice is abhorrent. However, I don't believe that this amendment goes far enough. This is not a public health problem. This is a crime. It is a federal crime, and it needs to be explicitly stated in Maine state law. For many generations, it was considered culturally appropriate for men to beat their wives and children, for they were his property. Thankfully, that has changed, and it did change as a result of long-term work, public outreach, education, and all of the things that are described in this bill. But we didn't hesitate to make that a crime in our state statutes. Incest was once considered something we just didn't talk about. And, many, many victims carried that shame and that secret for their entire lives. It has taken many years of education and outreach to help address that problem. But we did not hesitate to make that a crime. Ladies and Gentlemen, I hope this is not a partisan issue. I hope that we all can get behind helping all the women and girls in the State of Maine who have had to face this, and I don't want them to feel that we are not behind them. In fact, I want them to know that we are behind them. We must explicitly state in our law that this practice is a crime. I ask you to follow my light. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Madam Speaker. Just to clarify and answer a couple questions. This already is a crime. It is covered in Maine's statute under child abuse and aggravated assault. It is also a federal crime. To reply to my good friend who represents my hometown of Pittston, Maine, he's right. You don't need a separate law to say you can't cut off somebody's nose, and another saying you can't cut off somebody's hand, and another saying you can't cut off somebody's foot. We don't need those kinds of criminal statutes. We need groups of statutes that all of these things fall under. If we enumerate every single thing you can do to a person, our criminal statutes will be eight million pages long and we will still be missing things. This is covered. It's covered in state law and it's covered in federal law. And again,

this report is the only report of the committee of folks who actually sat down with members of the community, with national and international law experts, with victims' advocates groups. This is the report that will actually make a difference. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker. I think it might be important for those present here today to listen to the words of District Attorney Meghan Maloney in her testimony. She writes, "My name is Meghan Maloney, I am the District Attorney for Kennebec and Somerset Counties. I am here today in my capacity as the legislative liaison for the Maine Prosecutors Association. The eight elected District Attorneys make up the executive directors of the Maine Prosecutors Association. We are Democrats and Republicans, and we are in support of LD 745. The prosecutors do not feel confident that they can charge someone with committing female genital mutilation without the passage of this bill. Why? There are two main reasons. One, while female genital mutilation is a barbaric disfigurement bearing no resemblance to male circumcision, there are prosecutors that argue that it is not aggravated assault when the parents and children consent. The prosecutors would like clear guidance from this committee as to whether or not you want this mutilation charged as a crime. Clear statutes, without guesswork, are important if you want state prosecutions. Yes, it is already illegal federally, but the District Attorney offices try by far the most criminal cases in Maine. The second reason was, the Law Court held in *State v. Carver*, that a picture of a man with his son's penis in his mouth did not constitute sexual assault. There is a debate among prosecutors as to whether a similar analysis could be used by the Law Court to overturn a female genital mutilation assault conviction. Again, clarity from this committee would be extremely helpful." I think this illustrates clearly that we need to have clear law in Maine on this issue. Thank you.

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

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

#### ROLL CALL NO. 308

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Denno, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grant, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Timberlake,

Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Marean, Theriault, Ward.

Yes, 76; No, 71; Absent, 3; Excused, 1.

76 having voted in the affirmative and 71 voted in the negative, with 3 being absent and 1 excused, and accordingly Report "B" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-484)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-484)** and sent for concurrence.

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

#### UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-269)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Require Presidential and Vice-Presidential Candidates To Disclose Their Federal Income Tax Returns"

(H.P. 980) (L.D. 1422)

TABLED - May 25, 2017 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, until this morning I had never asked anyone to vote against a bill I strongly supported. But, there's a first time for everything. This morning I asked those members of my caucus who might vote for this bill only because of the actions of one individual, only because of our current President, to vote against this bill. To be clear, I feel strongly that this bill should pass and that it will, someday, pass. But, I want to pass it for the sake of transparency and good government, not to support or to oppose one individual or party candidate. The bill before us would write down an unwritten rule that has served our nation well for 40 years. Specifically, it would require that candidates seeking to become our nation's top leader and military commander observe the tradition of making public their tax returns in order to qualify for the Maine ballot, and that they do this on the date on which they are required to take other actions necessary to be listed on the Maine ballot, such as the submission of 2,000 signatures. In other words, the bill requires elevated financial disclosure from those who seek the highest office in the land. Since the days of Nixon and Watergate, every major party nominee for the presidency has released their tax returns voluntarily, until this last election. The vast majority have done so well before the date on which this bill would require it, including, for example, Senator Ted Cruz, who overwhelmingly won the Maine Republican party

nomination last year. For four decades, this unwritten rule of transparency has provided an important check against potential conflicts of interest in our increasingly fast-moving, globalized, and dangerous world. The high stakes of global politics, whether in the Middle East, in our relations with Russia and China, or elsewhere, are causing new alignments and new deployments of U.S. Military. At home, new treaties and new tax laws are being actively discussed. In this world of such high stakes, our President's integrity and honesty must remain clear. It is time we wrote down this unwritten rule. Why has this rule existed since the days of Watergate? Why would we want a higher level of scrutiny for Presidential candidates and their running mates? Presidents negotiate trade relationships on our behalf with foreign powers. Presidents decide when, whether, and where to send our young men and women in uniform into harm's way. No other office in the land, in the world, carries this much power and this much potential for abuse. When he first went to Washington, as a young Republican Congressman, Maine's own Bill Cohen saw the Watergate scandal unfold. To his lasting credit, Cohen decided to follow the money, wherever it led. During his long and illustrious career, serving as a Republican Senator and later as U.S. Secretary of Defense, Cohen saw again and again the importance of financial disclosure and transparency in government. That is why he said, just a short few weeks ago, that we need the tax returns of our current President. We need them he said so we can ask three basic questions. What do you own, what do you owe, and to whom do you owe it? Senator Cohen was directing his questions to our current President for reasons we all understand. Like many, he is deeply concerned about the following realities: Cohen is concerned because with Mr. Comey, three senior officials investigating the Russia ties have now been fired. Just yesterday, rumor circulated of the possible firing of a fourth. Senator Cohen is concerned, because recently Mr. Trump's lawyers scrambled to downplay his financial interests in Russia. Yet, Mr. Trump's son has said publicly, quote: "Russians make up a pretty disproportionate cross-section of a lot of our assets. We see a lot of money pouring in from Russia," unquote. And finally, Senator Cohen is concerned that, though candidate Trump promised to release his tax returns before the election, President Trump has since refused. Well, Madam Speaker, Senator Cohen also takes the long view. He believes these three questions should be asked of all Presidents and all candidates. What do you own? What do you owe? And to whom do you owe it? I look forward to hearing from my friends and colleagues here today who oppose and support this measure. I especially look forward to hearing from my good friend from Farmington. I am sure he and others may raise questions, so let me try to anticipate and answer some of these.

Do Americans care about tax transparency? Absolutely they do. In January, a poll conducted by ABC News/Washington Post found that 74 percent wants our current President to keep his promise to release his returns, including half of those who voted for him -- 74 percent, including half of those who voted for him. Do Maine voters care? Absolutely they do. Over 1,800 have signed an online petition in support of this bill, they are from every district in Maine. Most Maine voters in November chose a candidate who did release their return. Others voted for a candidate who promised to do so, and trusted that he would later keep his promise to do so. My constituents, to whom I've spoken, who did vote for that candidate, feel cheated. They want us to take action so they are not again someday left having to trust in

future candidates who later break their promises. Madam Speaker, I believe all of us here today prefer to side with transparency, not with broken promises. Another question, can Maine require this? Absolutely we can. Others today may speak to this point, but while the U.S. Constitution determines eligibility to run, 35 years old, born citizen, etc., the states can and do require specific actions to qualify for a place on the ballot. If someone wishes to challenge a person's birth certificate, they can already do so. Will this deprive Maine voters of a choice? It will not. For 40 years, no candidate before has had an issue abiding by this unwritten rule. Writing it down will simply make sure that it keeps happening. Is this about a single candidate or a single individual? Of course not. It applies going forward, not retroactively. If passed, this bill will shine a light on all future candidates. It will apply to Democrats, to Republicans, to Greens, to Independents. Because whatever happens in Washington over the coming years and decades and centuries, there will always be questions about conflict of interest from the highest office in the land. And, where there are questions, there should be answers. Could Maine end up going it alone? As written, the bill would allow for that. But, if the motion before us carries, I will offer an amendment that would ensure we do not. Where possible, collective action by the states is always best. Could the approach taken by this bill be used to require other actions? If the courts determine such measures are constitutional, then yes, but only if they are constitutional. We can require actions, but not beliefs. We can require disclosure of information of compelling public interest, but nothing more. So, Madam Speaker, there is no slippery slope. Our Constitution ensures that. Madam Speaker, this bill is about where our Democracy is going. It is about what our grandchildren and great-grandchildren will someday think of our actions. When they look back and ask, did we here today stand on the right side of history, on the right side of transparency, on the right side of good government? I realize this bill raises hard questions relating to the challenges of the present. With great respect, I ask that we set those aside and look to the distant horizon. I ask that we require every candidate to answer the three key questions posed by Senator Bill Cohen. What do you own? What do you owe? And to whom do you owe it? I ask that we heed the advice of Vietnam War hero and former Republican Presidential candidate Senator John McCain, who said this in January: "Tax returns have always been a tradition that should be observed." I ask that we listen to the 74 percent of U.S. citizens and thousands of Maine voters who support this. I ask that we pass LD 1422, protect our long tradition of transparency, write down the unwritten rule, and provide voters with a continued, long-term, reliable check upon the potential conflicts of interest of our future economic and military commanders-in-chief. Thank you, Madam Speaker.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Through the good Representative from Bowdoinham, it's good to see that he does recognize that Article II of the Constitution merely states an age limit and citizenship, and after the Sixteenth Amendment passed, I went and looked and I didn't find it there.

And, the reason I didn't find it there is because this is what this is all about. This is about gesture politics, which has a long history in this country, and that's because politicians historically are not normal. We're not normal people. Normal people don't take big signs with their names on them and stick them on their neighbor's lawn. But, we have to appear that we're normal. My first recognition of this for myself on how degraded I had become was campaigning a couple years ago, I stopped by a constituent's home, whom I knew, and I go up with my pamphlet for my handshake. And, her little dog, to put it another way was having his way with my leg. And I recognized that, as a normal human, it would be my desire to give the little rascal a boot, but that might cost me a vote. So, I shamed myself, handed my pamphlet, shook my hand, and on my way back to my vehicle, I couldn't decide whether to take a shower or smoke a cigarette. But, this is gesture politics. Washington set an example in this country that was so profound that, for over a century, you couldn't appear to be actually wanting to run for office. You had to say, "Oh, you chose me? How stunned I was." So, you sent your handlers into a convention to get the votes for you while you sat home on your porch smoking a cigar, drinking lemonade, and acting stunned when they showed up with the nomination. It wasn't until 1932 that actually a major candidate went in and addressed the convention. So prevalent was the example that you couldn't be seeking the job, and now, where are tax returns? And, what we do to the public is we lay these out as if we are appearing naked before the public, here's everything that I am, while the two parties look and say, oh, thank you for being transparent. Oh, now wait, they go, what is in there that we can crucify that guy with? As for my own tax returns, I'm not so sure I'd want to put them out to the public, because if they actually looked and said, you are doing this for that? This vow of poverty that I've taken by being here, I might actually have to answer some questions, which maybe it wasn't just about money that I came, maybe my own ego, maybe my own ambition, and by the time I got through rattling all that through my unnatural head, I'd find myself on a counselor's couch. The reality is in 2016, this President didn't put his tax returns out, every single voter knew it. He didn't violate the Constitution, and they said, whatever.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. I do want to say that I wish, if we are still printing a public record, that the Representative from Farmington's intonations could be included in his presentation. But, I have to say the part about being degraded as a public servant hurts me deeply, as I've spent a career in the classroom trying to inspire public service. But, I shall begin by addressing the good Representative from Bowdoinham's LD here. Men and Women of the House, I ask you today to promote good government by striking a blow for transparency in the election process. When I was a junior at South Portland High School, I purchased, at great cost to my summer earnings bank account, an SPHS class ring. On the side of that ring were inscribed the words, knowledge is power. I didn't know then it was a paraphrase of something Francis Bacon wrote more than 370 years earlier, and later used many times by his protégé, Thomas Hobbs. As human history has evolved economically into stronger communities, and we achieved new prosperity and efficiency by organizing into advanced nation states, so too did human thinking evolve, through the Renaissance and Age of Reason, that the individual has inherent human rights. So, when our own nation was born, the American Democratic experiment began on the confidence that, in a free society



where information can be accessed by a free press and openly discussed, the people can make wise decisions. Decisions that are positive for their own well-being and that of the country. But that information, the ability to know through education, is the requirement for Americans to make informed decisions at the ballot box. Knowledge indeed is power. This bill, LD 1422, provides us with an opportunity to help voters back home to have knowledge. Tax returns have been released by nearly every President for the last half century. In 1968, when Republican Presidential candidate George Romney came to the University of Maine in Portland and stood on the steps of Payson Hall speaking to students with wet snow falling, I was in that small audience. He had said that a Presidential candidate should release returns for several years prior to being President, so that longer-term behavior could be evaluated. His own words were quote, "what matters in personal finance is to see how a man conducted himself over the long haul," unquote. George Romney, the Governor of Michigan, and the past President of American Motors, then released his tax returns for the previous 12 years. Richard Nixon was being audited, and he released his tax returns. Public figures don't release tax returns because they fear triggering an audit. Already being audited, President Nixon released his returns, and did so in late 1973 for the years of his first term. It was determined he had taken inappropriate deductions and was fined \$471,000. Under pressure resulting from the Nixon revelation, Gerald Ford released only summary data, but he did so for the years 1966 to 1975. Jimmy Carter, elected at a time when American confidence in government had been shaken, began the practice of releasing returns, doing so for each of his first three years as President. Ronald Reagan released returns for his first six years as President. George H.W. Bush, who is in Kennebunk's sister community, Kennebunkport, having celebrated his 93<sup>rd</sup> birthday yesterday, released returns for his first three years as President. Bill Clinton released returns for all eight years of his Presidency. George W. Bush released returns for all eight years of his Presidency. Barack Obama released all returns since the year 2000, including eight years before his Presidency. For the 2012 election against Obama, Mitt Romney did not exactly take the advice of his father, but eventually he did release returns for 2010 and 2011. In 2016, Hillary Clinton and Jeb Bush, without either having become President, have released decades of tax returns. This is not a partisan issue -- but this precedent, with a "c," precedent of four-plus decades of voluntary compliance of financial transparency, has now been disregarded. So now, we must decide what is acceptable practice? Perhaps not for our current President, but for future Presidential candidates. Let's take the question of whether a candidate should level with the American people by being financially transparent. Let's take that out of the hands of the campaign managers and put it into law. Let's level the field by not allowing any job applicant to the highest office hide their own record of doing what all of us do, that is, pay our tax obligation to the American people. Let's put information into the hands of the voters. Because our country is the world's leader in a global economy, it is more important than ever to know that our President's interests will not conflict with our nation's interests. It is important that our chief economist and our commander-in-chief is operating in the White House in the best interests of the American people. Americans having knowledge of their President's financial information as provided in their tax returns, of their assets and debts, and to whom financial obligations exist, and the fact that the President knows that Americans know this, is a safeguard of sorts for

ethical behavior in the administration of power. I value experience; this may be in reference to the good Representative from Farmington's comments here. A person's history of public service, accomplishment, and his or her political record, including voting record, is a report card of sorts that helps a voter know about the candidate he or she is being asked to vote for. Without that, the voter is forced to rely on the propaganda, the purposely selective, hyperbolic promotional information of the campaign. But ambitious, successful people seeking power sometimes don't have a long public resumé. So, how does the voter evaluate the character, the priorities, the citizenship commitments of such a candidate who does not have that political history, that public record? Today, we in Maine can put in statute a transparency requirement for all Presidential nominees. Knowledge that it will serve Maine voters well in their choice for President. And, this requirement has already become the standard of proper behavior by most oval office seekers in recent history. For good government, for open government when choosing future Presidents, let's continue a tradition that has become an expectation, and put this into law. Let's make sure that we in Maine require financial transparency of all Presidential candidates who want our vote. Maine voters deserve this. Knowledge is power, and in America, and in Maine, we must ensure that that power, that information, is in the hands of the voter. I urge you support the pending motion. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockport, Representative Casás.

Representative **CASÁS**: Thank you, Madam Speaker, I'll try to be very brief in my remarks. I just wanted to share some of my thoughts. Firstly, I want to be clear about where I'm coming from on this. So, I've never been associated with any political party, ever. I also did not vote for either of the two major party candidates that were on the presidential ballot in this past November. I bring this up because I feel that I am somewhat neutral on the political aspects associated with this bill. I have and continue to hold the Office of President of the United States in the highest of esteem. And, it is my support for that office that lead for my support for LD 1422. Although used prior to the cold war, since the cold war the President of the United States has commonly been referred to as the leader of the free world. That is a pretty heavy statement, and rightfully so. On the global stage, America is the leader and rightfully so. We have the world's largest economy and strongest military, so when we speak, the world listens. Madam Speaker, during the vetting process we Americans go through to elect our President, there have been historic norms. We know that Presidential candidates will gladhand with voters and kiss babies. We know that Presidential candidates will engage in robust public debates so we can see how they carry themselves under pressure and get a better feel for the extent of their personal knowledge. There's another historical norm that was expected, the releasing of tax information. I believe that this is a historical norm that is crucial to our ability to properly determine our comfort level with presidential candidates. The financial ties a Presidential candidate has with corporate interests and foreign entities, or lack thereof, are critical to gaining a full picture of these candidates. In closing, LD 1422 can codify this long-standing tradition into Maine law so that the good people of Maine can be as informed as possible about the candidates that they have to choose from. This isn't a law for the election of a local dog catcher; this is an election to determine who will be the next leader of the free world. Regardless of political party affiliation or who you voted

for for President in 2016, the Office of President of the United States should be held in the highest regard, and the releasing of tax returns is just one part in keeping it that way. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Madam Speaker Pro Tem, friends and colleagues of the House. Due to recent actions, I stand before you without encumbrance of party affiliation, and I stand in support of the pending motion before us. This is a commonsense help to the functioning of our Democracy. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harpswell, Representative McCreight.

Representative **McCREIGHT**: Thank you, Madam Speaker Pro Tem, Women and Men of the House. Transparency and financial disclosure from the holder of the highest office in the land is something we should all want. This bill is not about one political party, but about a sensible reform that can shed light and prevent conflicts of interest. Any President, regardless of party, can have a conflict of interest. And, every Mainer, regardless of party, should want to know that our president has no conflicts of interest in sending our young men and women to war or in rewriting crucial trade relationships that affect us all. The only objection I've heard to this bill is, we should wait until the Federal Government acts. Madam Speaker, waiting for the Federal Government on an issue of this importance can be a lot like waiting for a baby to change its own diaper. First, it doesn't work and second, it creates a bigger mess. To wait for the Federal Government would also be to ignore history. In fact, virtually every major reform we have seen in U.S. history began with the states. The states led on voting rights for women. Wyoming gave women the vote in 1869, but it took another 50 years before women could vote nationwide. The states led on voting rights for teenagers. In the United States, the debate about lowering voting age from 21 to 18 began during World War II and intensified during the Vietnam War. By 1968, several states had lowered the voting age below 21 years. Alaska and Hawaii's minimum age was 20, Kentucky's was 19, and Georgia's was 18. Pressured to act and create consistency, the Federal Government finally stepped in. The states also led the way on doing away with the institution, so-called, of human slavery. When Maine became a state in 1820, half the states had abolished slavery or enacted laws to phase it out. But, it would take another 45 years, and a devastating civil war, before the Federal Government could finally act and do what today seems so very obvious, so very basic for any nation founded on the principle of equality. The states lead on climate change, emissions reductions. In 2007, Maine and nine other states enacted a regional carbon cap-and-trade system to reduce climate emissions. California leads the way in regulating auto emissions. To this day, the Federal Government still lags behind the states on these issues. The states also led on marriage equality. The movement began in the 1970s. The first state to legalize marriage equality in 2004 by 2013 —

The SPEAKER PRO TEM: The member will defer. The Chair will inquire why the member rises?

Representative **PRESCOTT**: Thank you, Madam Speaker. I think the Representative may be off target.

The SPEAKER PRO TEM: Will the member repeat?

On **POINT OF ORDER**, Representative **PRESCOTT** of Waterboro asked the Chair if the remarks of Representative **McCREIGHT** of Harpswell were germane to the pending question.

The SPEAKER PRO TEM: On this bill there has been a lot of lines crossed. The Chair will remind members to keep things cordial and to the bill that is right in front of them. Thank you all. The Representative may proceed.

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

Representative **McCREIGHT**: Thank you. I'll just say there's countless other examples of states leading the way. What's harder to find are examples of the Federal Government leading the way. In reality, the states have always led; as Supreme Court Justice Louis Brandeis famously put it, the states are the laboratories of our Democracies. So, Madam Speaker Pro Tem, Women and Men of the House, let us lead as our states motto, *Dirigo*, proudly proclaims, let us lead as the states have always done, and let us pass this sensible and timely measure to require a very basic and simple level of financial transparency from those wanting to qualify to appear on Maine's ballot. Let us write down this unwritten rule, which, until recently, had been followed easily and without complaint by every Presidential candidate for the last 40 years. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. When I casted my vote this past November, knowing perfectly well that candidate Donald J. Trump may not offer up his tax returns, that did not matter to me, and it didn't matter to the majority of the people in the United States. And first of all, if we're going to continue to badger, I'm going to quote something from a person, at this point what does it matter. And, I'd like to pose a question through the Chair if I may?

The SPEAKER: The member may proceed.

Representative **HANINGTON**: The question would be, if Donald J. Trump didn't win the Presidency, would we even be having this debate? Thank you, Madam Speaker.

The SPEAKER PRO TEM: The member has posed a question through the Chair, if anyone cares to answer? The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Madam Chair. I guess I would be more in support of this piece of legislation, because I, too, believe in transparency. I believe that people should comply with the written rules that are there in place when folks run for office. I would feel better if we had included in this the requirement, along with this, along with the tax information, a certified copy of each candidate's birth certificate. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The House will be in order. The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Madam Speaker. Just a quick point. I think the question of release of tax returns has less to do with whether to vote for the candidate than to assess that candidate's conflict of interest in subsequent actions, should he or she be elected. Without that information, we cannot know. And so, it goes to the heart of whether or not the person is acting in good faith, with the interests of the American people first and foremost. Thank you.

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

**ROLL CALL NO. 309**

YEA - Ackley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Doore, Farnsworth, Frey, Fuller, Golden, Grant, Hamann, Harlow, Herbig, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Madigan C, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, O'Neil, Parker, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Sylvester, Talbot Ross, Terry, Tucker, Warren, Zeigler.

NAY - Alley, Austin S, Battle, Bickford, Black, Bradstreet, Bryant, Campbell, Cebra, Chace, Corey, Craig, Denno, Dillingham, Duchesne, Dunphy, Espling, Farrin, Fay, Fecteau, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Handy, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Johansen, Kinney J, Kinney M, Lockman, Longstaff, Luchini, Lyford, Madigan J, Malaby, Martin J, Mason, McElwee, Nadeau, O'Connor, Ordway, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Tepler, Timberlake, Tipping, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Gattine, Grohman, Marean, Theriault, Ward, Madam Speaker.

Yes, 53; No, 91; Absent, 6; Excused, 1.

53 having voted in the affirmative and 91 voted in the negative, with 6 being absent and 1 excused, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative LUCHINI of Ellsworth, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-321)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Ensure the Continuation of the Landowner Relations Program"

(H.P. 965) (L.D. 1391)

TABLED - May 31, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-321)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-321)** and sent for concurrence.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 338) (L.D. 1031) Bill "An Act To Establish Reasonable and Clinically Appropriate Exceptions to Opioid Medication Prescribing Limits" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-242)**

(S.P. 485) (L.D. 1407) Bill "An Act Regarding Prescription Drug Step Therapy" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-245)**

(S.P. 553) (L.D. 1575) Bill "An Act To Update the Statutes Governing the Bureau of Labor Standards To Promote Clarity for Workers and Employers" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-252)**

(H.P. 273) (L.D. 367) Bill "An Act To Implement the Recommendations of the Government Oversight Committee To Develop a Long-range Strategic Plan for Economic Improvement in the State" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-493)**

(H.P. 840) (L.D. 1204) Bill "An Act Regarding Absentee Voting by Residents of Nursing Homes and Other Residential Care Facilities" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-494)**

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 and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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**ENACTORS**

**Emergency Measure**

Resolve, To Establish the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System

(S.P. 423) (L.D. 1260)

(C. "A" S-231)

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. 93 voted in favor of the same and 53 against, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

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**Acts**

An Act To Encourage Maine Consumers To Comparison-shop for Certain Health Care Procedures and To Lower Health Care Costs

(S.P. 147) (L.D. 445)  
(C. "A" S-236)

An Act To Simplify the Licensing Process for Off-site Catering

(S.P. 538) (L.D. 1543)  
(C. "A" S-234)

An Act To Promote Workforce Education Attainment

(S.P. 589) (L.D. 1638)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Beals, Representative Alley.

Representative **ALLEY**: Madam Speaker, I request unanimous consent to address the House on record?

The SPEAKER PRO TEM: The Representative has requested unanimous consent to address the House on the record. Hearing no objection, the Representative may proceed on the record.

Representative **ALLEY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House, in reference to Roll Call 283, on LD 1174, had I been present, I would have voted yea. In reference to Roll Call 284, on LD 327, had I been present, I would have noted nay. In reference to Roll Call 285, on LD 327, had I been present, I would have voted yea. In reference to Roll Call 286, on LD 1607, had I been present, I would have voted yea. In reference to Roll Call 287, on LD 1608, had I been present, I would have voted yea. In reference to Roll Call 288, on LD 280, had I been present, I would have voted nay. In reference to Roll Call 289, on LD 1382, had I been present, I would have voted yea. In reference to Roll Call 290, on LD 174, had I been present, I would have voted yea. Thank you.

The SPEAKER PRO TEM: The record shall so reflect.

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On motion of Representative FECTEAU of Biddeford, the House adjourned at 5:38 p.m., until 10:00 a.m., Wednesday, June 14, 2017, in honor and lasting tribute to Christina K. Bathras, of South Portland; Walter L. Getchell, of Marshfield; Ronald Chipman, of Milbridge; and Senior Chief Petty Officer Kyle Milliken, of Falmouth.