

# 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  
66th Legislative Day  
Friday, June 30, 2017

The Speaker resumed the Chair.  
The House met according to adjournment and was called to order by the Speaker.  
Prayer by Honorable Gay M. Grant, Gardiner.  
National Anthem by Honorable Gay M. Grant, Gardiner.  
Pledge of Allegiance.  
The Journal of yesterday was read and approved.

**ORDERS**

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 41)  
ORDERED, that Representative Henry John Bear of the Houlton Band of Maliseet Indians be excused June 22, 23 and 28 for health reasons.  
AND BE IT FURTHER ORDERED, that Representative Kathleen R. J. Dillingham of Oxford be excused June 19 and 27 for health reasons.  
AND BE IT FURTHER ORDERED, that Representative Chad Wayne Grignon of Athens be excused June 15, 19, 20 and 21 for health reasons.  
AND BE IT FURTHER ORDERED, that Representative Lance Evans Harvell of Farmington be excused June 21 and 22 for personal reasons.  
AND BE IT FURTHER ORDERED, that Representative Lloyd C. Herrick of Paris be excused June 22 for personal reasons.  
AND BE IT FURTHER ORDERED, that Representative Norman E. Higgins of Dover-Foxcroft be excused June 22 for personal reasons.  
AND BE IT FURTHER ORDERED, that Representative Richard S. Malaby of Hancock be excused June 19 and 20 for health reasons.  
AND BE IT FURTHER ORDERED, that Representative Deborah J. Sanderson of Chelsea be excused June 23 for personal reasons.  
AND BE IT FURTHER ORDERED, that Representative Timothy S. Theriault of China be excused June 22 for personal reasons.  
**READ and PASSED.**

**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following item:

**In Memory of:**

Winslow S. Durgin, Jr., of Minot. Mr. Durgin taught at high schools in Maine and Massachusetts and worked in community development in Wilton and for the City of Lewiston. He later worked as a freelance writer for the *Sun Journal*, wrote articles for *Yankee* and *Down East* magazines and published two books of poetry. He travelled extensively, with frequent trips to Nicaragua, and was a strong advocate for the end of oppressive practices in Central America. Mr. Durgin will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

(HLS 623)

Presented by Representative SHEATS of Auburn.  
Cosponsored by Senator BRAKEY of Androscoggin.

On **OBJECTION** of Representative SHEATS of Auburn, was **REMOVED** from the Special Sentiment Calendar.  
**READ.**

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

Representative **SHEATS**: Thank you, Madam Speaker. It is said that you can judge a man by his family; that's probably why I liked Winslow the first time I met him. I had already met and admired many family members of his. I met Winslow when I was running for office. He and his wife were very supportive, but you would not know that from his newspaper reporting. He reported local news, mostly about Minot, for the *Sun Journal*, and he was as unbiased and factual as a person can be. He was also incredibly humble. It was not until I read his obituary that I knew half of the wonderful things that he had done. That makes me like him even more. His wife, Barbara, described Win as an all-around good guy, and he would have thought this sentiment was too much, and that's why I'm even more happy to see him remembered today. Thank you.

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

**ENACTORS**  
**Acts**

An Act To Encourage Development in the Logging Industry by Requiring State and Local Government Agencies To Give Preference to Timber Harvested in the State

(S.P. 551) (L.D. 1573)  
(S. "C" S-315 to C. "A" S-269)

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.

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

**COMMUNICATIONS**

The Following Communication: (H.C. 299)

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

June 30, 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 921, "An Act To Remove Time and Acreage Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement."

Many years ago there was a settlement between various tribes, the State of Maine and the federal government. That settlement and the attendant implementing law were well thought out and should not be casually amended, lest we risk opening up the entire settlement agreement. Ultimately, I do not believe this bill is necessary.

For these reasons, I return LD 921 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.** Sent for concurrence.

The accompanying item An Act To Extend Time Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement

(H.P. 649) (L.D. 921)  
(C. "A" H-513)

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. 418V**

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, 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, Grohman, Guerin, Hamann, Handy, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Riley, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Sherman, Simmons, Skolfield, Spear, Stanley, Stearns, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Timberlake, Tipping, Tucker, Vachon, Wadsworth, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Haggan, Johansen, Lockman, Lyford, Ordway, Reed, Sanderson, Sirocki, Stetkis, Strom, Sutton, Theriault, Tuell, Turner, Wallace.

ABSENT - Chapman, Foley, Grignon, Ward.

Yes, 131; No, 15; Absent, 4; Excused, 1.

131 having voted in the affirmative and 15 voted in the negative, with 4 being absent and 1 excused, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 300)

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

June 30, 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 1311, "An Act To Amend the Law Regarding Lien Recordings on Statutory Road Associations."

I do not think that the government should be regulating private roads. Rather, private roads should be governed by private agreement. Because this bill does not advance that goal, I cannot support it.

For these reasons, I return LD 1311 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.** Sent for concurrence.

The accompanying item An Act To Amend the Law Regarding Notice of Claim Recordings by Statutory Road Associations

(H.P. 908) (L.D. 1311)  
(C. "A" H-435)

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

Representative **RECKITT**: Madam Speaker, members of the House, I rise today, not because I have any particular interest in this bill, other than to never see it again in my lifetime. I have suffered through many road association debates on the Judiciary Committee, my co-members would tell you, and every time it comes up I grab my head and I try to leave the room. So, I really don't want to; I understood finally when we got to this one how they work and what this bill would do, and I think this bill is a reasonable solution to a particular problem, for a particular set of people who live on these infernal roads which cause so much trouble in the Judiciary Committee. So I really would appreciate it if I never had to look at it again, and I urge you, therefore, to not sustain this veto, because it would make me do that. Thank you very much.

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

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. 419V**

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, 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, Grohman, Guerin, Haggan, Hamann, Handy, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, 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, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Vachon, Wadsworth, Wallace, Warren, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Johansen, Sutton, Turner, White.  
ABSENT - Chapman, Foley, Grignon, Ward.  
Yes, 142; No, 4; Absent, 4; Excused, 1.

142 having voted in the affirmative and 4 voted in the negative, with 4 being absent and 1 excused, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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

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### 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.

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway 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. 995) (L.D. 1440)  
(C. "A" H-504)

TABLED - June 16, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **PASSAGE TO BE ENACTED**.

Representative McLEAN of Gorham **REQUESTED** a roll call **PASSAGE TO BE ENACTED**.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

### ROLL CALL NO. 420

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, 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, 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, Marean, 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, Madam Speaker.

NAY - NONE.

ABSENT - Chapman, Foley, Grignon, Ward.  
Yes, 146; No, 0; Absent, 4; Excused, 1.

146 having voted in the affirmative and 0 voted in the negative, with 4 being absent and 1 excused, and accordingly the Bill was **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: The Chair recognizes the Representative from Portland, Representative Talbot Ross.

Representative **TALBOT ROSS**: Thank you, Madam Speaker. Permission to speak on the record?

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

Representative **TALBOT ROSS**: Thank you, Madam Speaker. Had I been here to vote on LD 921, Supplement 1, 2-1, 2-2, I would have voted with the prevailing vote for yea to override the Chief Executive's veto. Thank you.

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The SPEAKER: The record shall so reflect. The Chair recognizes the Representative from Lincoln, Representative Hanington, who wishes to address the House on the record.

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen. One thing I've noticed, Madam Speaker: when we close the day today, can everyone be respectful and stay in their chairs, because a lot of times we close a session in memory of a departed family member, so I think it would be fitting if we just gave the respect and stayed here until the gavel was... Thank you.

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The SPEAKER: Good afternoon everyone. I've spoken with a number of people today, and even as recently as the past 20 or 30 minutes, I've heard from a number of people that they still have not had an opportunity to look online and be able to read, themselves, the Committee of Conference Amendment "A" to Report "C." Given that the biennial budget... this is our last day to pass a biennial budget before our current biennial budget expires. Given the seriousness of that situation, and what a budget document is, I am going to keep the House at ease for an additional 45 minutes to an hour, to make sure that every single member who is voting in this chamber has had adequate opportunity to read that amendment. And additionally, if anyone has questions in that time, I am available during that time in my office, with an open door. The House will be at ease until the sound of the bell.

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**Committee of Conference**

Report of the Second Committee of Conference on the disagreeing action of the two branches of the Legislature on 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)

has had the same under consideration, and asks leave to report:

That the House **RECEDE; ACCEPT** Report "C" Ought to Pass as amended; **READ** Committee Amendment "C" (H-475); **READ** and **ADOPT** Committee of Conference Amendment "A" (H-555) to Committee Amendment "C" (H-475); **ADOPT** Committee Amendment "C" (H-475) as amended by Committee of Conference Amendment "A" (H-555) thereto; and **PASS** the **BILL TO BE ENGROSSED** as amended by Committee Amendment "C" (H-475) as amended by Committee of Conference Amendment "A" (H-555) thereto.

That the Senate **RECEDE** and **CONCUR** with the House.

Signed:

Representatives:

GIDEON of Freeport  
FREY of Bangor

Senators:

THIBODEAU of Waldo  
KATZ of Kennebec  
BREEN of Cumberland

The Committee of Conference Report was **READ** and **ACCEPTED**.

The House voted to **RECEDE**.

Report "C" **Ought to Pass as Amended** was **ACCEPTED**.

**Committee Amendment "C" (H-475)** was **READ** by the Clerk.

**Committee of Conference Amendment "A" (H-555)** to **Committee Amendment "C" (H-475)** was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "C" (H-475) as Amended by Committee of Conference Amendment "A" (H-555)** thereto was **ADOPTED**.

Representative FREDETTE of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "C" (H-475) as Amended by Committee of Conference Amendment "A" (H-555)** thereto.

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 Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Ladies and Gentlemen of the House, I stand in strong opposition to the pending motion for a number of reasons. When I campaigned, and spoke to my constituents, I promised them that I would vote for a smart, fiscally responsible policy. That is not this bill that's in front of us now. It's not just about how bad this budget is, it's about the process that brought us here to this point: a process where everyone was kicked out of the room and two people were left to decide how more than \$7 billion in taxpayer money is being spent. Once they decided how all that money was to be spent, the rest of us were left with less than three hours, a little more now, to read this document. The process, this process is not the way we build a two year state budget. This is not how you

build a document that I will support. A potential state shutdown will last a few days, maybe even a week. This budget will guide our state for the next two years. We must get this right, Ladies and Gentlemen of the House. The two people who rushed this document in front of us today did not get this right. We owe it to the people of the State of Maine to fix this flawed document and to pass a responsible budget. I ask you to defeat this motion so we can do just that. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Frey.

Representative **FREY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise today, not only as a member of the Appropriations and Financial Affairs Committee, but also as a member of the Conference Committee, and as an individual whose responsibility it is as a member of this body to vote on the only thing that the Legislature has to do this session, and that is vote out a budget. Let me amend that. The two things we have to do, vote out two budgets: the Transportation budget, which we voted on earlier today, and the budget that's before us now. A substantial foundation has been laid over the course of many months to bring us to this point today. In Appropriations, we have had a large number of unanimous public votes by the Committee, that were taken over the course of weeks, with public notice. In fact, I appreciated that opportunity to work with the Representative from Turner to come to a conclusion, a unanimous conclusion, on many of these votes. I appreciated the work that we could all do, all 13 of us in that Committee. We also had a day's worth of public voting, again, voting that had been noticed to members of the public, that was basically a large number of votes that not only demonstrated where it was that we stood but that, for at least a month now, we've had an opportunity to review and discuss and engage in debate on, to determine where it is that we need to go. But again, I want to reiterate that most of the work that we had done, we did unanimously, and we did it in AFA, and that is what the basis was for the Committee of Conference Report Amendment that we have before us today. I'd also like to add that when a Committee of Conference met, we had public conversations about what it was that was going into the amendment. These public conversations included a presentation to the group on education policy changes. It included Part 6Z, Z as in zebra, that was basically a product of the chairs and leads of AFA, all four caucuses, Republicans and Democrats, coming to unanimous agreements on what it was that the Conference Committee should vote on. This was all a process that was engaged in by all four caucuses, that was available for the public for quite some time to take a look at and understand. And finally, the culmination was last night; there was a public presentation that had given us more than three hours to look at what it was that was presented and come to a conclusion about whether or not this was something that we could vote yes on or no on. In sum, there are really only about 30 items that took some time to resolve and that required leadership to come to a conclusion on. For the last couple of months, the Appropriations and Financial Affairs Committee room has been empty. There's been ample opportunity to meet, and it's not because of leadership that we couldn't meet. It's because of decisions outside of leadership's control that we didn't, and so, after exhaustive months, exhaustive efforts to reach a bottom line, final decisions were needed. And it's arguable that it was an act of leadership that the presiding officers, facing one of the most significant failures that this Legislature could come down to, which is not passing

a budget, made a handful of long-debated, agonizing decisions to allow this bill to come before us today. Being a Representative can be tough. It can be very tough, because it requires us to take a level of responsibility, so that when we push red or we push green, when we decide to do yes or no, that we've availed ourselves of opportunities to decide how it is we're going to vote; and these decisions that come before us, Madam Speaker, Ladies and Gentlemen of the House, are sometimes weighted issues. Sometimes leaders have a weighted input on how it is the issue became before us. Sometimes, it's the chairs and the leads that have weighted decisions on how it came before us. Sometimes, it's individual members who are so dogged at how to pursue an issue that they had more input in how it is that the issue comes before us. That's not a reason to abscond our responsibility to push yes or no today to the second of two things that this body has to do, and that is pass a budget. So, Ladies and Gentlemen of the House, it is my supposition that this body has had ample time to review what it is that was put before us today, in different forms; maybe not tied up in the pretty package that we have it before us now. We've had the chance to talk with our colleagues. We've had the chance to talk with those we trust to do this work on AFA, in our leadership. There were just 45 minutes, Madam Speaker, where it's my understanding that your door was open to come talk about concerns or interest in what this budget is going to do. That information has been before us, it's our job today to say yes or no, which is one of only two things that we have to do this session. Thank you, Madam Speaker.

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

Representative **ACKLEY**: Thank you, Madam Speaker, my friends here in the House. Like a lot of members today, I imagine, I find myself between a rock and a hard place. On the one hand, Madam Speaker, we had an election in November where voters told us to fund education at 55 percent, for the second time in twelve years, using a 3 percent surtax. On the other hand, Madam Speaker, a large portion of the Representatives that those very same voters sent to the People's House, do not agree. So be it. And so, after months of negotiation, we find ourselves here at the eleventh hour, in a dilemma; and that's an interesting word because this building is full of them, dilemmas. Often folks think that a dilemma is just a problem, and it is, but you know, it's a special kind of problem. It's a problem where two things seem to be true, *di* in Latin meaning two, *lemma* meaning truths. Two truths, that's what a dilemma is. And so, Madam Speaker, here we are preparing to vote on a budget that represents a path out of a dilemma. And let's be honest, it does not have a surtax; and it does not fund education at 55 percent, as the voters had told us they wanted. Madam Speaker, it does, however, jump-start our educational funding, to the extent that most property taxpayers in rural Maine will see some very significant relief in the next few years, and that's something they've been waiting long for. So, Madam Speaker, I have to admit that this budget is a disappointment, but it does represent a third way for us to find our way through this impasse. The people of Maine did not send us here to try and impose our will on each other, Madam Speaker. They sent us here to find our way between the horns of a dilemma, and for that reason, I'll be supporting today's measure.

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

Representative **TUELL**: Thank you, Madam Speaker. It's a very important day, as we all know, and I'm rising in support

of the pending motion. I believe it's important for our state to have a budget, and I believe that what we have before us is a responsible budget. Is it what everyone wants? No; but I learned as a small child when I misbehaved, from my grandmother one afternoon, that I could scream and holler and rave and rant for hours on end and still not get what I want. And honestly, we can scream and rave and rant and holler for the next two weeks, two months, two years, and nobody is going to get everything they want. But for my friends over here, we're going to get rid of a ghastly tax, the 3 percent surcharge, which a local businessman who happens to be the head of one of our biggest companies, best places to work in the State of Maine, called me about several months ago; a gentleman who has helped fisherman and loggers and people that start up their own small businesses, and seeing good people that have lived in this state for generations leaving. And they are leaving. I know people don't want to hear it, but they are leaving, and this gentleman, a good friend of mine, a good family friend, said, "Whatever else you do, you have to get rid of this." An, it bears noting that Washington County voted against the 55 percent. Washington County... I know other areas did too. Every voter in this state is equal, and everybody has to represent the people they represent in their area. So I see that as a big win. I'm a firm believer in more education funding for our local schools, and for property tax relief, and I think this does that. I'm not really a big fan of some of the Baldacci era globalism that has been espoused over the years. But, honestly, you know, sometimes you got to take the good with the bad, and get to a point where education is more fully funded than it has been. I also believe that it is time to end the stalemate and support this budget. If we fail, we're never going to get rid of the three percent. We can wish, we can want, we can hope, we can pray, we can do whatever we will, but we're not going to get rid of it. But beyond the three percent, there are other things that need to be said. Those of us who supported public health nursing, that's in here. Those of us who come from Downeast and who supported the Downeast Correctional Facility, there's funding in here for Downeast Correctional Facility, and there's oversight so that it just can't close; and that may be a local issue, but it's also a statewide issue for the public safety of our state. Whether we have a shutdown or not, we still have public safety that we need to keep watch over. And for my friends who live up and down the coast, who believe in fishing and the fishermen who make up their communities, this budget takes away taxes that were originally proposed back in January on hardworking men and women who live and work on the water. And but, may I add, that that was done with the inclusion of the vast majority of Marine Resources Committee, with our Commissioner Keliher, who personally went to members of the Committee of Conference. This is no small thing folks. I'm sure you can pick little things out of this budget and say, oh this is wrong, and that is wrong, and I'm sure there are some big things and there are legitimate reasons why people may vote no. But at some point, you have to decide where you are and where you're going to finish up. And, I'm going to be voting for this. I'm not going to suggest you follow my light, but I will say you can follow my shirt. Thank you, Madam Speaker.

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

Representative **SYLVESTER**: Thank you, Madam Speaker. Good colleagues and folks of the House, I rise today without the intention of changing a single vote in this chamber. If I've learned anything about this budget process, it is that there is a point at which words fail us. Of course, words

always fail us, they always have. In the end, we are left with two things; numbers and what lies in our hearts. Math is hard; hearts, as my *mémère* said, are best kept soft. So, I speak today to the people of Maine. I speak to those who are listening and to those who have not yet turned a deaf ear to us. I speak to those who have fought to have their voices heard and to those who have never had their voices heard, and I speak, especially, to them. I've spent most of my adult life fighting to amplify the voices of those who society deems should have no voice. Too poor, differently abled, differently oriented, on the wrong side of the tracks or the wrong side of the desk that signifies power. And I've never believed that the things that I have to say are all too terribly important, but I believe desperately that the things that everyday people have to say are of extreme value. I believe that hope is the thing that allows us to say yes to struggle, to say yes to one another, to say that together we will be heard. I've tried to live my life guided by that ethos, to raise my kids by that belief, and to try to help people gather their little pieces of power in a mighty and undeniable pile. I ran for office and I believe that I was elected under it, so what to do today with the question of this budget? To the literally thousands of Maine people who in various venues have asked me the question, "Does my voice matter? Is anyone listening? Is there hope?" I want to say a few brief words. The reality is this: you signed petitions, you knocked doors, you voted, you came to this building and testified, you emailed, you called, you spoke. And the reality of the results of Question 2, in the context of this budget before us today, is that without the strong leadership of the people, as represented in Section 18 of our Constitution which allows the people to vote and veto laws, we would just as likely be talking about not adding to education, or rather than talking about how much to add or how to pay for it. You, the people, are responsible for all the good things in this budget. So, in setting the context for this discussion, we have been working with the echo of your voice speaking for the children of Maine. You, like everyone who has helped a child and who knows that the richness of life ripples forever when you help a child, you've helped them, as you intended. This budget increases education, this budget helps kids, so I, for one, hear your voice, and I thank you. To the hungry people in my district, the people who live week to week or day to day, who rely on the things that this body decides, who participate in the system not out of choice, not to make some political point, but because they have to, to keep the lights on, to keep their children clothed, to get to work to their job, the people to whom a government shutdown, whether through this body's actions, will mean real pain, I say that there are things in this budget that will help you today, that will help you next week. Then the week however, or the month next will come. Is there a vision in this budget to lift you out of poverty? Is there a plan to move us all forward to better lives, a plan for 10 years or for our grandchildren? I'll leave that to you. In my humble opinion, there is not. So, when you lift your family out of poverty, as I believe everybody in this room wants you to do, there will probably be another to fill your spot. We will not end the vacancy of poverty today with a yes or a no on this budget, and we should not fool ourselves that we can. I hope that we will someday, yet where you sought to fundamentally change the game, we have come up with this budget through consensus and hard work and our best efforts, to try to help the people of Maine. So, how will I vote today? It's no secret that I have voted against every question that overturned the results of the referendums, but how will I vote today? It will not be based on the wishes of any lobbying group, friendly or oppositional, nor

will it be based on the votes of my colleagues. If I vote for the constituents who have reached out to me, I would be voting overwhelmingly for their anger, an anger I share. But I will not vote in anger, mine or theirs. When I vote, I will vote for the place in which I find the most hope, whether that is in the passage of this budget or the opposition of it, in the long arc that bends toward justice. Here is the thing about hope: it's like dryer lint, it gathers and you find it in the most unexpected places. I will vote for hope. I will vote for the young lady who emailed me less than an hour ago asking whether they would have food next week. I will vote what is the hope for this state, red or green. Madam Speaker, I guess we'll all find out together. Thank you.

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

Representative **SIROCKI**: Thank you, Madam Speaker. I am frustrated. I rise in opposition to the pending motion. Yes, our job is to pass a budget. The Chief Executive did his job and provided the Appropriations and Financial Affairs Committee with a budget in January, and we have, for months, been looking at that budget, with some success; but then things fell apart. And a member of this body presented a bill that came before our Committee and we discovered something I didn't realize: that I believe in 1995 the Maine Legislature passed a statute that said, one month prior to statutory adjournment, a budget needs to be ready, and fully enacted by the first Friday in June, and here we are the day before the first of July, about four weeks late. We should not be here in this position now. The process broke down; we are in violation of Maine law. Speaking of laws, one of the first things that happens when we were all elected to office is that we take an oath to uphold and defend our Maine Constitution, and I would like to read three short little sections to remind everyone of some of the things we have been sworn to uphold. Article IV, Part Third, Section 10, page 20 of the Register, it reads, "...all bills for raising of revenue shall originate in the House of Representatives...." Did ballot question two originate in the House of Representatives? I think not. Article VIII, Part First, Section 1, page 32 of your Register reads, "...the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools...." Oh my, it sounds like the several towns are responsible for the support and maintenance of public schools, not the state. Page 36, Article IX, Section 9, Power of Taxation: "The Legislature shall never, in any manner, suspend or surrender the power of taxation." So, I question, was ballot question 2 properly before the voter? Was the original ballot question which committed the Legislature to 55 percent --

The SPEAKER: The Representative will defer. The subject before us is LD 390. To the extent to which the Representative would like to debate the merits of any lines of that budget, the Representative may proceed. However, if the Representative would like to talk about November 8<sup>th</sup> referendum questions specifically, outside of that budget process, that will not be part of this debate today. The Representative may proceed.

Representative **SIROCKI**: Thank you, Madam Speaker. I will conclude by saying, I know we can do better. I know that there are things that were moved into this budget without input from all four caucuses. I feel strongly, and have felt strongly for years, that we need to prioritize many aspects of our state budget, including, and especially including, the people that are still languishing on waitlists. Thank you.



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

Representative **FREDETTE**: Thank you, Madam Speaker. I will not be supporting the pending motion and I ask that you follow my light.

The **SPEAKER**: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, this is my fourth biennial budget vote. Like some of you in this chamber, I cast that vote as a member of the majority and I've also cast that as a member of the minority. Each and every time, I voted in support of a budget that had things in it that I was proud of and things that really stung. Today is no different. Like every budget, today's budget includes honestly held beliefs by every member of this chamber. There are also many honestly held beliefs that are not included for every single one of us. Whatever disappointments I may have personally right now, or that anyone in this chamber may have right now, there are things about this budget that are absolutely undeniable. First, this budget will mean increased education funding for every single public school in our state. This budget will fund critical services for Mainers with developmental disabilities and for our seniors, but we don't go beyond what we can afford. This budget rejects cuts to our rural hospitals, while at the same time investing in a better workforce and our Community College system. This budget honors our commitment to reducing property taxes, because that's what our constituents told us to do, and finally, pays critical infrastructure bills that we've neglected for years. So while this budget certainly doesn't reflect all of my values, or all of anyone's values really, it reflects the work that we have done over the past six months, each and every one of us. I will vote to support this budget today, because of the promises I've made to the people of my district and to all of the people of Maine when I ran for office. I'll support it because our job is to find a budget that reflects the principles of all Maine people, and not just the ones that agree with us. We've all worked hard. We don't always like it, and it hasn't always been easy, but we have done our jobs. So now it's go time. This is it. Despite our frustrations and our disappointments, it is time to put that aside. We are now in a position to pass a responsible budget. We can, and we have to. Let's show that Maine can be respected for our commitment to doing what others can't seem to do these days: compromise and move forward together. I've heard too many people talk about this budget in terms of winning and losing, but as we too often forget, governing is not a game, it's a responsibility. It is about doing our best to serve the people of our districts and of this state. This budget accomplishes that most important goal, and I ask that you join me in supporting it. Thank you.

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

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. As I sit here listening to what the good Representative from Belfast had to say, I just have to draw a question about priorities. Yes, we funded extra into education, \$160 more million into education, and yes, education is a priority. But so are the people that we have stood up and fought for, for so many years, our people with cognitive, persistent cognitive and physical disabilities. You know, education is getting an extra \$160 million in this biennium budget. Yet the very people that we have been fighting for, our disabled, are getting a few crumbs. Nine million in the first year and we haven't even funded them in the

second year. These are for wages for direct service providers; the people who are caring for the most vulnerable citizens in our state; the people who cannot care for themselves; the people whose parents are getting older and you have a 50-year-old child whose behavior is very difficult to control; \$9 million? If we really funded these appropriately, it would be up around \$60 or \$80 million, but no, they are getting \$9 million in this budget, \$9 million in one year, one. No money in the second year. I've heard, "We have money set aside." Well good, then put it in the budget. If it's not in the budget, that means it's not there. And a promise of, "We'll get it in the supplemental budget next year," doesn't hold water with me because these people have been pushed to the back of the bus time after time after time again. Only, it seems like in this budget, not only are they getting shoved to the back of the bus, but in year two, we're going to open the door and push them out. There's nothing left there for them. With the passage of the minimum wage referendum last year, we are putting the very organizations, the very programs who serve the neediest of the neediest in our state in jeopardy. They are in crisis, absolute crisis. They need to be made a priority. At the very least, you need to make a promise to them, that not only will they get a little bit of crumbs in funding in one year, but where they might be able to carry it on into the second year too. I urge you to vote no on this pending motion. Vote no. Make sure that the people we are here to protect, those who cannot protect themselves, at least have a fighting chance. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Madams Speaker and Ladies and Gentlemen of the House. There's no question there's a great deal of angst here about the process, the referendums, who's being funded, who isn't. I was thinking as I drove down this morning, I've been in... developed budgets, obviously much less than this, but at the school, municipal, hospital level, over 30 of them, and the one thing I can assure you is I'm still looking for the first perfect budget; and it will not be today. We do the best we can with the resources we have and the conditions in which we operate. We establish priorities, we allocate our resources, and we make our best judgments. I certainly never question one's position on the support of any critical issue, but we're faced here today with a very uncertain future. If this particular pending motion is defeated, I think we all live in a new world of uncertainty; one in which I'm not sure anyone can tell us where the light is in the tunnel to help us find our way out. But, with all of that said, I don't think that's the reason why we should be voting for a budget here today. As I've talked to many of you here in the last few days, I'm always struck by everyone can find a reason or people can find a reason because... to support the budget. and they give the examples, and those who oppose the budget, equally so identify their reasons as well. It is obvious that we have not been able to find a consensus, and so, here we are, not quite at the eleventh hour, but not too far away, for each of us to have to consider where our priorities are. It will not be a surprise to anyone here that knows me, after five decades in education, where my priorities are; but it's not just there. The priorities are also to the local taxpayers that live in my communities. I believe this budget accomplishes two major things. I'm sure it accomplishes others items of importance for many of you, or doesn't, but speaking strictly for myself, this budget provides an additional \$1,600,000 to three school districts in Piscataquis County, one of the two poorest counties in the State of Maine. For the school district that has 92

percent free and reduced lunch, those districts have very high percentages of students in free and reduced lunch that qualify for disadvantaged funds, and this budget, for once, this budget provides funds targeted to meet the needs of our most disadvantaged youths in our schools, while at the same time, providing property tax relief for our local taxpayers. For me, it doesn't matter if we got here because the debate is about 55 percent, or three percent, or pick your percent. To me, the debate is about, our schools have been facing a critical shortage. Now, I know the argument is, we're seeing declining enrollments. I always like to say it's like deciding to carpool, four of us. One of us decides we don't want to do it any longer. Guess what, the cost of carpooling did not go down because there were less riders; and I think we see that a lot in our schools. They're still faced with enormous challenges. So today, I stand in support for public education in the State of Maine, for funds for disadvantaged youth in rural Maine, and for property tax relief for citizens across the State of Maine. I will support this budget, not with a clothes pin on my nose, but I support this budget enthusiastically. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Lawrence.

Representative LAWRENCE: Thank you, Madam Speaker. I would like to pose a question to the Chair.

The SPEAKER: The Representative may proceed.

Representative LAWRENCE: Thank you, Madam Speaker. I've been here in the Legislature before. I think I've closed about 12 budgets. I see we're now after four o'clock in the afternoon. I understand the process very well and the timing of everything, and I'd like to know, in Madam Speaker's opinion, if we are indeed at the eleventh hour.

The SPEAKER: The Representative from Elliot has posed a question to the Chair. It is 4:15, the Biennial Budget expires at midnight tonight. You could call the eleventh hour of this day since morning seven hours away, but I would say we are at the eleventh hour.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "C" (H-475) as Amended by Committee of Conference Amendment "A" (H-555) thereto. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 421**

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

NAY - Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Pickett, Pierce J, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom,

Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Chapman, Foley, Ward.

Yes, 87; No, 60; Absent, 3; Excused, 1.

87 having voted in the affirmative and 60 voted in the negative, with 3 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "C" (H-475) as Amended by Committee of Conference Amendment "A" (H-555)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1112) (L.D. 1616) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-556)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

The SPEAKER: The Chair will remind the members to stay close by, chamber at ease.

**ENACTORS**

**Emergency Measure**

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

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

(CC. "A" H-555 to C. "C" H-475)

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

Representative HERBIG of Belfast **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **DOORE**: Thank you, Madam Speaker. Madam Speaker and Members of this House, 26 years ago today, at midnight, the State of Maine shut down. Trust me, we do not want to go there again. In 1991, there were state employees who could not make their mortgage payments, some who could not make their car payments, some who could not, did not have enough money to buy food; they lived paycheck to paycheck. I know, Madam Speaker, because I was there, and I helped prepare the food in Capital Park. We fed many of the same state employees every day. State

employees are not pawns, they are our employees who go to work every day. They do their jobs and they keep this great State of Maine running. Madam Speaker, I believe this body will vote to put this budget on our Chief Executive's desk because, Madam Speaker, I believe our Chief Executive also does not want to punish his state employees and shut down the State of Maine, and I want to give him that chance to sign this budget. Thank you, Madam Speaker.

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

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of this House, this morning I was disturbed by what I thought was the stench of a steaming pile of manure that I considered this biennial budget to be, and I had every intention of voting against it. This afternoon however, at lunch with my beloved, a metaphor originating in the dawn of this nation fell from his mouth, and it never left my mind. "If we don't pass this budget," he said, "we will burn down the plantation." Madam Speaker, no matter how much I abhor the situation that is upon us tonight, no matter how much I despise the process by which we arrived here, no matter how much I detest that the will of the people as expressed at the ballot box just last November will not be honored, I simply cannot participate in such destruction. I am a farmer, Madam Speaker. I build soil, I do not destroy it. And so, if I know nothing else, I know this: a steaming pile of manure will eventually break down, and with the addition of a few amendments, that will turn into a pile of what I call black gold, that smells as earthy and sweet as the forest floor, a pile of black gold out of which the best food in the world will grow; and that, Madam Speaker, at the root, is what all of this is about; making sure that the people of this great state, especially those who serve the public as civil servants, will still be able to put food on their tables. It's as simple as that for me now. We cannot shut down state government; and so, tonight, Madam Speaker, Women and Men of this House, we must vote to keep these doors open. We must vote to keep state government up and running and we must vote to ensure that people can feed themselves and their families. Food is life. Everybody who wants to live needs to eat. Food is life. The time is nigh, let us all come together at last and enact this budget, forthwith. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Madam Speaker, Men and Women of the House. I can't wait for this session to be over. Sometimes it feels like the campaign never ended. It drives me crazy, the legislative process, sometimes. Sometimes we have a difficult time recognizing victory, and victory, in a case like this with a closely divided Legislature that needs to get through a two-thirds budget, is the best outcome we can achieve out of a stalemate, and I think we got there. We have an opportunity to find some closure in a highly contentious and partisan environment that we sometimes find ourselves in. I thank the Lord that we are not like the U.S. Congress. We can actually talk to each other, try to find some middle ground and try to get it done. Yeah, I worry about the state employees, I really do. But I worry about the thousands of businesses that also rely on a stable economy, and a stable economy includes a public sector that we're a part of. If that's unstable, don't expect the rest of the economy to do all that well either, especially for a longer period of time. Some of the people in this chamber walked in with one goal at the beginning of session, and frankly, that was to repeal the three percent surcharge. Now, I'm not going to reveal my own

personal goal on that, but I will tell you my district voted against it by 16 points. So, if I do support this budget, frankly, I am honoring the will of the voters. But that's not the case for everybody. Some people are going to have to hold their noses tighter on this budget than I'm going to have to, and I'm glad I'm not in their shoes, frankly. Personally, I walked into this session to reduce property taxes, and that's what I told my voters when I went around. Yes, I know this is a lot more spending than some people are comfortable with, but at least it's going to schools. We are transferring some of the money that is used out of the property taxes and paying for it out of state taxes, and yeah, some of that is going to come from out-of-staters, the way this budget has been put together. So I am, I think, achieving a goal with this budget of reducing property taxes by transferring some of that burden onto the state taxes. I think that's a win-win for everybody in this body. I think this budget meets in the middle and should be something this chamber can at least live with. I mean, frankly, we may have to do more of this again next year, in fact we always do. No budget... I mean this is my 6<sup>th</sup> budget. I'd hated them all. I hated the one when I was in the minority even more, but I voted for it. And that's going to be the case. We're going to get to do this again next year and the year after. Some of this is going to need fixing, we're going to fight about it again. It's not going to be perfect. But that's what we do. We are the Legislature. We have to work this thing out, not every other two years, but every year, because there are supplemental budgets, so we're going to have this same conversation again. In the meantime, we've got to make sure this part of our economy and our state workers are actually being served by this government that elected us to represent them. I want to be clear: if we pass this budget, there are consequences. Some we know will be felt immediately, some will be a little slower coming. If we don't vote for this budget, renegotiations open again, we start almost from square one. There may be some consensus in here or some thought process that says we're going to start from here and try to improve it. No, we go back to the beginning. Three percent is back on the table. This is not necessarily a good thing for a lot of members here, and I'm not sure how many members on my side of the aisle can keep throwing their own constituents under the bus on something that was very important to some of their constituents. So, we go back to square one and this could take a while, and a shutdown could take quite a while. I think it's easy to think we're going to be able to fix this in a hurry. We've been working on this for weeks. The process hasn't been pretty. It almost never is. I thought the process last session was worse, but at least we got there. So, I'm not going to stand here and tell you that I'm going to hold my nose and vote for this budget, but I know others are; and I understand their duty, and we all have that same duty. So let's close this budget and get out of here. Thank you, Madam Speaker.

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 422**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Casas, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Gillway, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Herrick, Hickman, Higgins,

Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean, 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, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, 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, Sherman, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Chapman, Foley, Ward.

Yes, 87; No, 60; Absent, 3; Excused, 1.

87 having voted in the affirmative and 60 voted in the negative, with 3 being absent and 1 excused, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was 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: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Since the break, which had been fairly long, there have been a number of rumors in the hall, and I pose the question to you, as the Speaker, or to any member of the House, as to the fact, if it is a fact, that the Chief Executive plans to present us another budget.

The SPEAKER: The Representative from Eagle Lake has posed a question through the Chair as to whether the Chief Executive is sending us another bill, budget bill, to anyone who may answer. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The last couple of days, as negotiations have gone on, and at times we perceived as not in a positive direction for our caucus, we continued to work with and talk to the Chief Executive. The purpose of those conversations were, in fact, to involve the Chief Executive in a process whereby we could pass a budget, and the Chief Executive would, in fact, sign that budget. The process currently passing the budget with two-thirds in each body and then the Chief Executive deciding to hold that bill for 10 days before he decided to veto it, would require, in fact, a 10-day period of shutdown. Our objective here has been to try to involve the Chief Executive in the process so that, in fact, we could bring a budget together that would bring the four leaders together and possibly the Chief Executive, so there could be a possibility of everybody coming together on a budget that the Chief Executive could sign. So there has been an ongoing process in that and I think the... In fact, I would suggest to the body that I was down talking to OFPR in terms of, for example, a budget needs to be scored, and we went down and talked to, for example, Chris Nolan in that regard, and we were told that nothing like that could happen right now, and so we have to

wait, I guess, to a certain point in time until we can move forward with that process. But, in anticipation of the possibility that we might not get the two-thirds, we thought it was responsible to at least have something along this avenue, and so I think it might be helpful, in fact, if there is a document that could be sent down to OFPR that Chris Nolan could, in fact, score, so that we can make an assessment on a possible alternative document. That would be something that would be helpful in some point in time, when/if that's something that the presiding officers might direct the OFPR to do, I think that might become an alternative. So, that's what I would say I know at this point in time. The Chief Executive is wanting to be involved in the process, has continued to try to work on a document that could bring people together and so, I think that's important that we involve him in that process because I think in the end, to the extent that we were able to do that and come to a two-thirds vote, he could then, in fact, sign it and we would not have the conversation of waiting 10 days for him to decide on that. And so, I'm certainly looking forward to the opportunity to meet with the four leaders, to meet with the Chief Executive, and bring everybody together on an instrument where we could all sit down at the table to try to resolve this issue in a way that everybody can move forward in a positive direction. That would be the information I know at this time.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Miss Speaker, I thank the member from Newport for his explanation. I'm not sure I understood the answer. The question was whether or not the Chief Executive was presenting a budget bill, and that can be answered by either yes or no.

The SPEAKER: Has the Representative from Eagle Lake posed the question? The Representative from Eagle Lake, Representative Martin has posed the question. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: So, I think the answer would be in the affirmative, to the extent that we can get the cooperation of OFPR to begin the process of doing some of the work that needs to be done on that. I have gone down twice, today, to engage with OFPR so that we could, in fact, be working on that during the day, and because the requirements to bring that document together would require some cooperation between OFPR, the Revisor's Office, and the Chief Executive's Office, we have been at least working and attempting to have an alternative plan where most of those things can be brought together. We have been told that they could not do that until this process was finished. And so, to the extent that, I would say, to the extent that there is cooperation to do that, then the answer would be in the affirmative.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Madam Speaker, I would like to pose an additional question for clarification purposes.

The SPEAKER: The Representative may proceed.

Representative **MARTIN**: Is it my understanding, at this point, that the Chief Executive has presented the material necessary for the drafting of a piece of legislation? If that's the case, when can we expect, it because at midnight we are going into shutdown. Will we be receiving that before midnight tonight?

The SPEAKER: The Representative from Eagle Lake has posed a question to the Representative from Newport if he cares to answer. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker. I can't answer that question because I believe that the process requires the cooperation of some of the other folks in this building to do that and so, until there's that cooperation to do that the answer is yes. Has there been --

The SPEAKER: The House, the member will defer. The House will be order. The member may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker. My understanding is there has been an LR created in regards to this particular document. But again, it's a document that's partly in process because it does need the cooperation of the Revisor's Office and OFPR. So, I would suggest that to the extent that we can get the cooperation of them, I would suggest that it would certainly happen much faster than if we sat here and continued to have conversations about it.

The SPEAKER: Before we continue, this is obviously an unusual process. The House will be in order while we continue. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Madam Speaker, I am concerned. The legislative staff has worked diligently to present the budget that we have now. They will do whatever is necessary to bring another piece of legislation. In order for that to occur, the material has to be presented to the Revisor's Office. My question remains, has that been done, and if it has been done, when will that be received by the House? If it has not been done, when is that going to be received by the Revisor's Office so the process can begin? I repeat, we are going into shutdown at 12:01. Is that the goal of the minority floor leader?

The SPEAKER: The Representative from Eagle Lake, Representative Martin, has posed a question to the Representative from Newport or anyone else who may answer, about whether the Revisor's Office has received the text for a budget bill. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. And first of all, I would respond to the good Representative from Eagle Lake that it is not my intent to have a shutdown, nor has it ever been my intent to have a shutdown. It has been my intent to bring four caucuses together, along with the Chief Executive, so that we could all work together to pass a budget. That has not happened. The material is, in fact, in the Revisor's Office.

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

Representative **GROHMAN**: Thank you, Madam Speaker. I just thought that maybe I could try to sum up the situation as I understand it. So, from what I understand, we are in a situation where maybe the Executive was away this week attending to other matters in the national political situation, and has returned now and is wishing to become engaged in this process, and is seeking to present an alternative to the bill that we just voted out, but failed. But, because we have divided government, as we know, just procedurally, that opportunity or that window, it would seem, has been missed, since yourself and other leaders would need to approve the submission of that new legislation and that is not likely to happen. Is that a fair summation?

The SPEAKER: The Chair would answer that the Chief Executive is able to submit a bill anytime he wishes to submit a bill. He does not need the approval of a presiding officer or both presiding officers to do so. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker. Could the leaders approach the rostrum to speak to the Speaker?

The SPEAKER: The leaders will approach the rostrum. The House will be at ease.

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The SPEAKER: The House will be in order. Announcement from the Chair: It appears that a new budget bill from the Chief Executive will be coming forward. This body will remain in this building for the time being. We will adjourn to the sound of the bell while we wait for the bill from the Chief Executive. The House will be at ease.

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The SPEAKER: The House will be in order. Women and Men of the House, it is with amazement, disbelief, and true sorrow that we find ourselves in this position at 12 minutes to midnight on June 30<sup>th</sup>. Two hours ago, and for the first time, most of this body was told about the existence of an alternative budget proposal that the Chief Executive and the Minority Leader had apparently agreed upon or been working upon. Needless to say, I was incredulous that at 9:30 at night, as the state heads toward a shutdown, and as we have experienced two no votes, votes that failed to enact on the budget proposal before us, as incredulous that this was going on. Nevertheless, I was willing to hear out the proposal, because what choice do we have? We are all held hostage here, not just us, but every person in the State of Maine who is affected by the shutdown that I anticipate will occur in a mere 10 minutes. I want to tell you about my utter disbelief when, at this first meeting that happened, I don't know, an hour or so ago, it immediately became clear that there is actually not a budget ready from the Chief Executive to come before us to vote on. There are proposals and ideas that cannot be transformed into a real budget document, ready to vote on, without one or two days of work either by the Governor's Budget Office or by OFPR, who has worked for 48 hours straight on top of weeks of work around the clock or with as little as, if they did sleep, two or three hours of sleep for the past few weeks. I think I probably speak for most of us in this chamber when I say I am embarrassed and sorry that we are going to be putting them in a position to do that work yet again in these next couple of days, most likely based on what will happen with this next vote tonight. And I want to thank them, the non-partisan staff of the Legislature, for their unbelievable dedication and work ethic. There have been some who have tried to say that the Chief Executive has somehow been left out of the budget process. I want to assure you that nothing could be further from the truth. I, myself, have met, or spoken with, the Chief Executive at least five times in the past week alone, and while we were unable to come to an agreement, we did negotiate until the very end, including tonight when the Chief Executive summoned four leaders to the Blaine House. He presented us with a list of demands, and when they weren't all met, and I want to indicate to you that I was willing to work with most of them, almost all of them, he had a temper tantrum. He walked out with the words "Shut her down." I want you all to know tonight that after the Chief Executive's aggressive behavior, specifically towards me, I left the Blaine House, though my three male colleagues chose to stay and continue talking. So, where does that leave us now? A Governor's Bill, I'm guessing, will still be coming. I think we could expect it to arrive in front of us in this chamber no earlier than Monday. I can tell you that in its current form, with its current list of

demands, it will not get the Democratic votes to pass this House. We will be on day three of a shutdown if that vote should occur like that. So tonight, all of us have a choice. It's a choice that I do not envy for many of you in this room, and one that I understand is not of your making. The choice we have is to support the bipartisan compromise that is going to be in front of us one more time tonight, that has just been enacted by our colleagues in the other body with 34 votes in favor and one against. Or we can shut down state government in the hopes that, in some point in the future, another real proposal, or one that 101 of us in this chamber can agree upon, might emerge. And we will do it at the peril of people that we know and care about, or maybe don't know, but I believe that we still care about. So all I can ask as we sit here moments from midnight is that we all look deeply within ourselves before making this choice. As Representatives, we are accountable first not to our party, not to our leadership, not to the Chief Executive, but just to our constituents, to the regular people in Maine. Before you make this choice, I ask only that you take a moment to think of them and the consequences they face because of our decisions. This choice, as difficult and painful as it may be for all of us, is our choice. The last thing I want people to know is that if we leave here tonight without enacting a budget, we will all be here every single day until we do, because that's our responsibility, and eventually we will succeed. On that note, the Chair now lays before the House, Supplement No. 6, Senate Papers Non-Concurrent Matter.

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**SENATE PAPERS**  
**Non-Concurrent Matter**

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)  
(CC. "A" H-555 to C. "C" H-475)

**FAILED** of **PASSAGE TO BE ENACTED** in the House on June 30, 2017.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

Speaker GIDEON of Freeport moved that the House **RECEDE AND CONCUR**.

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

Representative FREDETTE: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I want to thank the Speaker for the opportunity to meet with her and the other three leaders and with the Chief Executive at 10:30 this evening. The process that brought us here today certainly is an unusual one, one whereby the Minority in this chamber was told some three weeks ago that we were going to vote a budget out of Committee. That's highly unusual because there had been no consensus in the Committee. As a result of that, House Republicans worked diligently and around the clock to create a Report out of the Committee. Appropriations Committee reported four reports out of the Appropriations Committee. One of the reports was Ought Not to Pass by the good Representative from Eagle Lake, Representative Martin. That was a very unusual process, to then create a Committee of Conference; again, a very unusual process to bring about a budget, a consensus budget.

The SPEAKER: The Chair recognizes the Representative from Waterville and inquires as to why she rises.

Representative MADIGAN: I made a mistake, thank you.

The SPEAKER: The member may proceed.

Representative FREDETTE: Thank you, Madam Speaker. The budgets that were voted out of the Appropriations Committee were brought to this body; both of those budgets were voted on and failed. Committee of Conference was created, and it was not a process that I believe the Minority, on this side of the aisle, felt was productive in terms of getting its concerns met, and in addition, to concerns met by the Chief Executive. Now if the concern was that we not be in this posture tonight at this time, then we certainly would be voting on a budget on June 15<sup>th</sup> and not June 30<sup>th</sup>, because whether people like it or not, voting a two-thirds budget out of this body tonight that does not get the signature of the Chief Executive by his choice, and yes, in fact, it is his choice, would, in fact, result in a state government shutdown for at least 10 days, at least. Our four appropriators have worked around the clock; they've been here nights and weekends, oftentimes sitting alone waiting for meetings, but nonetheless worked. And yes, have we worked with the Chief Executive over the last couple of days to figure out a process, a way to get out of here? We certainly have. It was our responsibility to have a plan to move forward, to try to figure out a process out of this with a budget the Chief Executive could sign instead of a budget that is voted out of here with a two-thirds majority that sits on his desk for 10 days; that's our responsibility. And I want to thank the Speaker for taking the time to meet with the Chief Executive tonight, and the other three leaders, and looking at a process and a framework so that this body can have a budget to vote on in the next 24 to 36 hours, and I believe that that is something that is entirely doable. And I can say that I will tell you that the Chief Executive does not want a state government shutdown.

After Midnight

The SPEAKER: The House will be in order. There will be no more outbursts like that from anybody in this chamber. The Representative may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker. That the Chief Executive has no interest in a state government shutdown, that I believe that if we continue to work diligently and hard, most likely through a Committee of Conference, most likely working off the work that has been done by the Committee of Conference to date, that we can come up with a package that will get the support of all four caucuses, that can be voted through the two bodies and signed by the Chief Executive in the next 36 to 48 hours. That would be my hope; and that would mean we would be avoiding a state government shutdown for 10 days, and that is something I am truly committed to doing, I'm sure my appropriators, the appropriators of the House Caucus, are willing to do, and we will be here with our sleeves rolled up and willing to do that. So, with that I would expect there will be -- If I may pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker. My understanding would be that the other body has sent us back a bill and the intention would be to have a motion on the floor to Recede and Concur?

The SPEAKER: The Chair would answer in the affirmative.

Representative **FREDETTE**: Thank you, Madam Speaker. I will suggest that on our side of the aisle, that we continue to work to find a solution that can get the Chief Executive's signature, so that we are not in a posture of having a budget that sits in limbo for 10 days while he holds that bill; that if we vote not to Recede and Concur, that we can then have a Committee of Conference created and work through this process in the next 24 hours and figure out an agreement. So I ask you to follow my light. Thank you, Madam Speaker.

Representative **HERBIG** of Belfast **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 423**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Casas, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Gillway, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Herrick, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean, 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, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, 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, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Chapman, Foley.

Yes, 88; No, 60; Absent, 2; Excused, 1.

88 having voted in the affirmative and 60 voted in the negative, with 2 being absent and 1 excused, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, Representative **HERBIG** of Belfast moved that the House **INSIST**.

The same Representative **REQUESTED** a roll call on the motion to **INSIST**.

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 Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker. Just a point of order, if I could just ask the Clerk to explain the impact of the Insist motion after a Recede and Concur. If you could explain the vote and what the intent is.

The SPEAKER: A motion to Insist, the Chair would answer that the Representative from Newport, Representative Fredette, the motion to Insist would mean that the House stands by its failure to enact, essentially.

The SPEAKER: The Representative will wait to be called on before asking another question. The Representative may proceed. The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: I am not sure what we're voting on. Our previous vote or the vote before that, Ma'am?

The SPEAKER: The Chair would answer the same way that I answered when the question was posed by the Representative from Newport. A motion to Insist right now is a motion to stand by the vote, which is a fail to enact.

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

**ROLL CALL NO. 424**

YEA - Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, 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, Sherman, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Casas, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Gillway, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Herrick, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean, 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, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

ABSENT - Chapman, Foley.

Yes, 61; No, 87; Absent, 2; Excused, 1.

61 having voted in the affirmative and 87 voted in the negative, with 2 being absent and 1 excused, and accordingly the motion to **INSIST FAILED**.

Representative HERBIG of Belfast moved that the House **RECEDE**.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. If I may just pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think the confusion is, is just to make sure that our side of the aisle has a proper understanding of the process going forward. What my understanding would be, Madam Speaker, is that there are a couple of motions that we will Recede through with, ultimately, I would suspect, a motion to recommit this to a new Committee of Conference, and that being my understanding, that we would do that without a Roll Call, if my understanding is correct.

The SPEAKER: The Chair would answer in the affirmative, and just specify that the motion before us right now is Recede, and that will put us into the posture where we can ask for a third Committee of Conference.

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

Representative HERBIG of Belfast moved that the Second Committee of Conference Report be **REJECTED** and asked for a **THIRD COMMITTEE OF CONFERENCE**.

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

Representative **BATTLE**: Thank you, Madam Speaker. I'd like to ask a question through the House.

The SPEAKER: The Representative may proceed.

Representative **BATTLE**: Madam Speaker, we have had this Committee of Conference held, okay, and it didn't work out. We had it a second time and it didn't work out. Might there be some consideration to changing some members of this Committee of Counsel for the same actions over and over again? Is it going to change?

The SPEAKER: The Chair will take your question and concerns under advisement.

Subsequently, the Second Committee of Conference Report was **REJECTED** and the House asked for a **THIRD COMMITTEE OF CONFERENCE**. Sent for concurrence.

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

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Reference was made to 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)

In reference to the action of the House on July 1, 2017 whereby it Rejected and Asked for a Third Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative FREY of Bangor

Representative WINSOR of Norway

Representative GIDEON of Freeport

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

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On motion of Representative TUELL of East Machias, the House adjourned at 12:23 a.m., until 12:00 p.m., Saturday, July 1, 2017, in honor and lasting tribute to Winslow S. Durgin, Jr., of Minot.