

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Regular Session**

beginning January 3, 2018

beginning at page H-1216

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE  
SECOND REGULAR SESSION  
13th Legislative Day  
Thursday, February 15, 2018

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

Prayer by Pastor Cathy Cantin, Bridgton United Methodist Church and Bradley Memorial United Methodist Church, Fryeburg.

National Anthem by Sharon Hood, Clinton.

Pledge of Allegiance.

Doctor of the day, Elisabeth Mock, M.D., Holden.

The Journal of Tuesday, February 13, 2018 was read and approved.

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The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Golden, who wishes to address the House on the record.

Representative **GOLDEN**: Thank you, Madam Speaker. I rise to ask that we all join in a moment of silence for the victims of the Marjory Stoneman Douglas High School shooting in Florida and their families. I know all of our hearts share in the sadness that the Parkland community feels today. There are no words for the depth of our feelings about these lost children. Please join me to offer our condolences and support.

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At this point, the Members of the House stood and joined in a moment of silence in honor of the victims of the tragic school shooting at Marjory Stoneman Douglas High School in Parkland, Florida.

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The SPEAKER: Before we begin our regular business of the day, as Speaker I want to take just a moment, because as I thought about coming up here to do our business today, I realized that I could not begin my role up here without acknowledging what happened yesterday: the 18th school shooting -- the 18th school shooting in 45 days; and to recognize that this is not an issue that divides us, but that when a child dies anywhere in a way that is preventable, that we recognize that that children -- those children, all of those children, are our children. It's not a matter of waiting for such an event to come to us, it's an acknowledgement of who we are together as Americans and of our humanity. And so all I ask for today, as we begin our session, is that we remember that moment of silence, thank you for taking it, and that we remember that there is great work for all of us to do together, that it doesn't divide us, that instead it should bring us closer together. Thank you.

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

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1245) (L.D. 1800) Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1107) (L.D. 1604) Resolve, To Amend Authorization To Sell Certain Property in Augusta Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-587)**

(H.P. 1166) (L.D. 1678) Bill "An Act To Amend the Laws Affecting the Judicial Branch Regarding Railroad Trespass Civil Violations and Fines for Civil Violations" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-591)**

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

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

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(S.P. 478) (L.D. 1400) Bill "An Act To Create the Bar Harbor Port Authority" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-347)**

On motion of Representative CHAPMAN of Brooksville, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

Representative **CHAPMAN**: Yes, thank you, Madam Speaker. The motion before us, Acceptance of the Unanimous Committee Report is for allowing the establishment of a port authority for the town of Bar Harbor in Hancock County. I'd like friends and colleagues in the House to know that Portland does not have a port authority, Eastport does not have a port authority, Searsport does not have a port authority, even in Hancock County, neither Ellsworth nor Bucksport have port authorities; and, in fact, there are no existing port authorities along the coast of Maine at the present time. So, the obvious question is, why would Bar Harbor want a port authority? And, in fact, they don't. In order to determine what to do with the old ferry terminal in Bar Harbor, the town council appointed a 40-member citizen advisory committee, which issued the report back to the town council recommending that the ferry terminal be turned into a multi-use marina, and who are recommending against establishment of a port authority. So, that raises a question: who would want a port authority in Bar Harbor, if the people don't? One speculation is the cruise ship industry. Another speculation is a foreign ferry service. Yet another speculation is the offshore oil rig supply industry. And so, I'm uncomfortable having us form a port authority option for the Town of Bar Harbor when we don't know what it would be used for; but we do know that a port authority has very broad powers, including the power of eminent domain, the power of bonding, and in essence a five-member authority set up by this

legislation could do an awful lot, which might be very good or it might be very bad. The primary problem with the bill before us is its timing. The citizens of Bar Harbor have not asked for this, and until and unless they do, I think that we should defeat it. Thank you, Madam Speaker.

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

Representative **BATTLE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, we're here to represent our constituents. We're here to represent the people of Maine. I've been around the Bar Harbor area and I've talked to a number of people, and I can't find anybody in there who's really in favor of this. So, what are we doing this for? Big money? Out-of-state money? I see so many things wrong with this, okay? Out-of-state bullying their way in, going behind closed doors, taking powers away from local people to run their communities the way they want to. Has a roll call been requested?

The SPEAKER: A roll call has not been requested.

Representative **BATTLE**: I would request a roll call on this item, and I'll ask you please to say no. I think there's -- I think this is a bad bill. I think it could really, really be abused, not to the benefit of our constituents and who we are here for. Please, vote against this. Thank you.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the **Unanimous 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 Chair recognizes the Representative from Bar Harbor, Representative Hubbell.

Representative **HUBBELL**: Thank you, Madam Speaker. Ladies and Gentlemen, just as a simple point of fact, the bill that is before us now came as a request from the Town Council of Bar Harbor. I want to assure members that it is not a product of anything that's gone on behind closed doors, and the proof of that is that the decision to actually establish a port authority, should the town council decide to go forward and recommend it once this bill is enacted, will be squarely in the hands of the citizens of Bar Harbor at town meeting.

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

Representative **CHAPMAN**: Thank you, Madam Speaker. I apologize for rising a second time. I wanted to add one point, and then ask a question through the Chair. The one point is that a port authority would affect all of Frenchman Bay. There are a dozen cities and towns surrounding Frenchman Bay, and the bill before us would only allow the citizens from Bar Harbor to have a say in it. But the question that I want to pose through the Chair is whether the request for this bill came from the town council, or came from one member of the town council. Thank you, Madam Speaker.

The SPEAKER: The Representative has posed a question through the Chair if there is anyone who would care to answer. The Chair recognizes the Representative from Bar Harbor, Representative Hubbell.

Representative **HUBBELL**: Thank you, Madam Speaker. I rise to answer the question. The request came from the Bar Harbor Town Council.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Madigan.

Representative **MADIGAN**: Thank you, Madam Speaker. Why would I rise from way over in western Maine on this issue? Only to correct a statement by good Representative Chapman that Eastport has no port authority. I happen to be

what sounds like one of the only people in Maine that ever served on a port authority, when I was the city manager of Eastport. Eastport does, in fact, have a port authority. I had about an hour-long phone call the other day with a lady from Bar Harbor, and I said to her, "What's the big issue here?" I served on a port authority. A port authority is a good thing. They worked hand in hand with the city, and we did great things for the City of Eastport during the late 1980s. So, I didn't intend to speak, but I did need to correct the record that there is, in fact, a port authority in the City of Eastport, and I served on it for three years. Thank you.

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

**ROLL CALL NO. 485**

YEA - Alley, Austin B, Austin S, Babbidge, Berry, Bickford, Black, Bradstreet, Brooks, Bryant, Cardone, Casas, Cebra, Collings, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Doore, Duchesne, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Frey, Gattine, Gerrish, Ginzler, Golden, Grant, Grignon, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Hogan, Hubbell, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, Ordway, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Riley, Rykerson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Vachon, Wadsworth, Wallace, Winsor, Zeigler, Madam Speaker.

NAY - Ackley, Bailey, Bates, Battle, Beebe-Center, Blume, Campbell, Chace, Chapman, Cooper, Dunphy, Fuller, Gillway, Hamann, Handy, Harlow, Herbig, Hickman, Hymanson, Malaby, O'Neil, Reckitt, Sampson, Sylvester, Talbot Ross, Warren, White.

ABSENT - Fredette, Sherman, Turner, Ward, Wood.

Yes, 119; No, 27; Absent, 5; Excused, 0.

119 having voted in the affirmative and 27 voted in the negative, with 5 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-347)** was **READ** by the Clerk.

Representative **CHAPMAN** of Brooksville **PRESENTED House Amendment "A" (H-584) to Committee Amendment "A" (H- S-347)**, which was **READ** by the Clerk.

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

Representative **CHAPMAN**: Thank you, Madam Speaker. Friends and Colleagues of the House, the amendment that I am presenting to you now changes the Committee Amendment that's on this bill in order to include 11 additional towns in the decision-making process, that I mentioned to you before that there are 12 towns that surround Frenchman Bay. If the House Amendment that I'm proposing were to pass, it would cause the decision to be made by a majority of Bar Harbor voters, as well as a majority of the remaining 11 towns, that is, six of the remaining 11 towns, to also accept the formation of the port authority for it to happen. So, in essence, what this does is to extend to the additional 11 towns the right to vote on

the creation of the Bar Harbor Port Authority. Thank you, Madam Speaker.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-584) to Committee Amendment "A" (H- S-347)**.

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 Bar Harbor, Representative Hubbell.

Representative **HUBBELL**: Thank you, Madam Speaker. Madam Speaker, as you know, not only do I represent the town of Bar Harbor, I also represent the towns of Mount Desert and Lamoine, both abutters on Frenchman's Bay. At one point, individuals who were opposed to putting this question before the Bar Harbor voters approached the Select Boards of both of those municipalities, asking them to take a position in opposition to this bill. Madam Speaker, both those Boards unanimously declined. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-584) to Committee Amendment "A" (H- S-347). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 486**

**YEA** - Ackley, Babbidge, Bailey, Bates, Battle, Beebe-Center, Blume, Casas, Chapman, Dunphy, Gillway, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hymanson, Malaby, O'Neil, Stetkis, Sutton, Sylvester, Talbot Ross, Warren.

**NAY** - Alley, Austin B, Austin S, Berry, Bickford, Black, Bradstreet, Brooks, Bryant, Campbell, Cardone, Cebra, Chace, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Doore, Duchesne, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Ginzler, Golden, Grant, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Hogan, Hubbell, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, Ordway, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Reed, Riley, Rykerson, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stewart, Strom, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Vachon, Wadsworth, Wallace, White, Winsor, Zeigler, Madam Speaker.

**ABSENT** - Fredette, Sherman, Turner, Ward, Wood.

Yes, 25; No, 121; Absent, 5; Excused, 0.

25 having voted in the affirmative and 121 voted in the negative, with 5 being absent, and accordingly **House Amendment "A" (H-584) to Committee Amendment "A" (H-S-347) was NOT ADOPTED**.

Subsequently, **Committee Amendment "A" (H- S-347) was ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H- S-347)** in concurrence.

(H.P. 1184) (L.D. 1704) Bill "An Act To Fund the Downeast Correctional Facility" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-593)**

On motion of Representative PERRY of Calais, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the **Unanimous 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 Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Madam Speaker, Men and Women of the House. During the last week, members of the Legislature have stressed publicly their oppositions to actions taken suddenly, under cover of darkness, with respect to the Downeast Correctional Facility. We have heard calls for transparency, and ensuring there is a public deliberative process that takes into account local needs as well as the long-term interests of the state. Yet, now, as our body engages in the issues concerning Downeast Correctional Facility, our actions can also be characterized as sudden, lacking transparency, and a rush process that doesn't enable adequate consideration of public policy.

Just this week, the chairs of my Committee, Criminal Justice and Public Safety, convened the Committee with only 30 minutes notice to reconsider this legislation. Further, now it appears today a new bill is on the Senate calendar, LD 1841, "An Act to Authorize a Prerelease Facility in Washington County." It was done with the permission of Legislative Council but it has been kept out of view of Committee members. My prior interests, and ongoing support since I've been on the Committee, of this bill, was out of concern for the number of beds in prisons across the state; and I did not think it responsible to take beds out of the system without a plan to add more beds, to ensure adequate space to meet the state's current and unfortunate growing need for beds.

I can no longer support this bill while there are other avenues to address the needs of the state's corrections system, and I am increasingly concerned about the rushed, nontransparent process the Legislature is using to conduct public policy. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you Madam Speaker, Ladies and Gentlemen of the House. There are some things that have been happening at the Downeast facility I think that people are unaware of. One of the changes in that facility has been that there be a program where these prisoners have a chance to work in the community for -- before release, and the opportunity for them to earn money so by the time they leave they've had job experience, they can actually pay off some of their fines, and maybe even have housing. This has been a program that the guards have been very proud of what they are doing with the change in that; and when this facility was taken over at 4:30 in the morning, there were five of these prisoners who were doing night jobs that had to be called back. These were working people who were pulled out of their livelihood, but so were the prisoners; and what do we do next? That program then has been devastated. I think that we really need to think about this again.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Thank you very much, Madam Speaker. I wanted to take a few seconds here to share with you some of my thoughts about the current motion.

There are two reasons I would like you to join with me and vote against the current motion. The first is that I understand the desire of leadership as that we fast-track this bill. This bill and -- and have the appropriation exempted from the Special Appropriations Table and have final enactment today in the Senate. Now, I don't know -- I object to that because, you know, this is one bill of many. In fact, we have somewhere around \$200 million worth of bills that have already passed the two bodies and is sitting on the Special Appropriations Table for consideration. I haven't run a total of the current bills that are running through the system, but I'm sure it's significant. And I think it's unfortunate and unfair to take this money and put it ahead of some of the things that I think we all agree are high-priority items. You know, things that involve salaries for workers that work with our disadvantaged and disabled people. I think money that would pay for services for elderly people, money that would pay for autism and access for other disabilities; you know, they're there, and we have to consider all of these things, and that's the idea of having a Special Appropriations Table; you sit down and you look at your needs and you look at the wants and you look at the capacity. And that's why I object to this -- this item.

The second reason I have is it's been suggested that somehow this is an economic development issue and an insult to Washington County. And, I like Washington County, by the way, I've worked up in there before and I find it's a beautiful part of the country. I think the people are industrious and I think they -- they're very capable of looking out for themselves; but really, to let you understand something, Washington County currently has 154 job openings listed on the Maine JobLink. Hancock County, the next county to them, has 577 on the list. Washington County wages have gone up by \$38 million, that's 17%, during the past seven years. And that last seven years, as part of the Pine Tree Development Zone, we have seen the creation of more than 700 new good-paying jobs, resulting in \$85 million of new payroll, and nearly \$400 million worth of private investment and public investment. Over the last seven years in Washington County, we have received more than \$9.6 million in various community and economic development-related activities, and Governor LePage has personally visited China to meet with investors, and negotiated for them to open two paper machines in Baileyville. This goes on and on. I just think that if we move too quickly, too fast, and we exempt this item from the table, it is unwise and it certainly -- I question whether this issue is more important than many of the other issues before us. With that, I ask for you to vote against the pending motion, and I thank you for your attention, Madam Speaker.

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

Representative **SIROCKI**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, at the opening of today's session the pastor delivered a prayer, and she cautioned us not to make snap decisions and to weigh each vote carefully. Earlier this morning, the Good Representative from Norway, Representative Winsor, was surprised, presented with a hurry up and rush through the process emergency bill, with hundreds of millions of dollars, involving dozens of very important priorities. I object to the pending motion before us for multiple reasons, not the least of which is forcing this proposal to the

front of the line. I urge a no vote. I agree with today's pastor, carefully weighing our votes and not rushing to judgement allows wisdom to prevail. Thank you.

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

Representative **ALLEY**: Thank you, Madam. You don't show up in the dead of the night, ignoring an explicit opposition of lawmakers across Maine, to close a critically important correctional facility and send its workers home. I am cautiously optimistic that the lawmakers have worked together to find a way to reopen Downeast and protect some of Maine's most vulnerable people, families and towns. The facility was doing good -- good work, and I'm proud that the legislators recognize this and want to keep it open. Legislators on both sides of the aisle will continue to work to fund Downeast Correctional Facility, because we know how important it is to Washington County, the economy. By his actions, the Chief Executive has closed a very effective facility, and taken the livelihoods away from lots of families in Washington County. Thank you.

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

Representative **ACKLEY**: Thank you, Madam Speaker. Request permission to ask a question through the Chair.

The SPEAKER: The Representative may proceed.

Representative **ACKLEY**: Thank you, Madam Speaker. I'm wondering if someone in this chamber could give me a number how many Washington County jobs were instantaneously put at risk by the overnight actions of our Chief Executive?

The SPEAKER: The Representative from Monmouth, Representative Ackley, has posed a question through the Chair to anyone who may care to answer. The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: It is my understanding -- thank you, Madam Speaker. It is my understanding that immediately is 55 jobs.

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

Representative **TALBOT ROSS**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. I was not going to rise to speak, but I, too, was moved by the prayer this morning in which we were encouraged to legislate with care and love. In my short tenure in this body, I do not think I've seen a greater demonstration of exactly that than in the work that the members of the Washington County delegation have done in considering what's best for Downeast Correctional Facility. Throughout the process of considering this bill, they have not only accurately expressed the numerous ways in which this facility has contributed to the region, but the pride of having a facility that truly realizes the mission of the Department of Corrections. They treat those who work in this facility, and all those who are incarcerated, in one of the most humane ways that we've seen throughout the system. I truly hope that we take into consideration the care and love in which this facility has been taken care of all these years in that county, and that we support the people of that region. Thank you.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand today because I really understand and I appreciate the struggles of the folks from Washington County, and the plight of those who are impacted by the closure of the Downeast Correctional Facility.

And I don't discount the hard work of the employees at Downeast. The issues of the Downeast Correctional Facility is a decades-old issue that has cost the state significant financial investment. In 2002, the state updated its master plan for correctional facilities and called for a replacement facility to Downeast after, quote, and this is in quotes, "The facility evaluation of DCF found numerous physical plant problems, water treatment concerns, life safety violations and the highest per diem operating cost in the system due to its small size and inefficient layout." A bond to upgrade the facility was rejected by voters in 2002. A 2014 feasibility study called for the Downeast Correctional Facility to cease operations and close, noting significant deferred maintenance costs, and the facility's lacking accreditation because the physical plant there cannot adequately measure up to national standards. We all knew this was coming. This is not new. This has been talked about for years. Former Chief Executives have spoken about the need to close this facility. Yes, I agree we have employees that were working there that were doing the best that they could do under very, very difficult circumstances, because it is not a facility that has been upgraded and maintained to the highest of our ability, and makes it a very tough place to keep functioning and keep managing. We all knew this was coming. The time has come to finally close the book on the Downeast Correctional Facility so that we can start a new chapter, with a new facility that makes sense for everyone. Postponing the inevitable year after year is not helping this facility in the long term, and it's not helping the folks of Washington County, it is not helping the employees that work there. We need to move past this and move to improve this, and to keep putting this off year after year is not helping. We need to do the right thing now. I know it's not easy. Sometimes doing the right thing is difficult. I urge members here in this body today to do the right thing, yes, the difficult thing, and vote against this measure before us. Thank you.

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

Representative **WARREN**: Thank you, Madam Speaker. Madam Speaker, I just would like to refer to the process that this bill has been through, and, again, that's just this specific bill. Everyone knows the process we went through last year. This bill, LD 1704, was referred to the Criminal Justice Committee on December 19th. This bill, LD 1704, had a public hearing on January 29th. This bill, LD 1704, had a work session on February 5th and February 13 and February 14th. I assure you, this bill has had very transparent process.

I also need to just add one piece, and I need to add a piece because I am one of the 13 members of the Criminal Justice Committee that have voted bipartisanly, over and over, to keep this facility. And, let me tell you a little bit about why. I just heard reference to the fact that the employees were working under tough situations and it made it almost sound like they didn't like being there; and I want to tell you that we've story after story of people who were proud of the work they're doing and proud of their facility. And they were so proud of the facility that even when they've been able to not get work orders filled, even when there have not been repairs, you know what they did? They started coming in and they've been doing it themselves. They know the role that they play in our criminal justice system. They understand that the role that they play is true corrections. They watch people have the opportunity to come through their facility, and work, and be rehabilitated and contribute to all of us -- to all of us, to our individual cities and towns. These are folks that are coming back, they are our neighbors, they are there, they are working there, sending

money home to support their children. They are getting an opportunity at rehabilitation, which is part of our precious mission of the Department of Corrections. I thank you for the opportunity to speak, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. Good afternoon. I stand before you today to maybe talk about the process. The process of moving a bill that we've known for three years, that has sat there, and we've discussed the Downeast Correctional Facility. This has nothing to do with Washington County or the employees who work there. They're all great employees, and I'm sure they've done a great job. If this facility was in any other county we'd probably still be having the same discussion with its size. We're talking about a process that's now moving \$5 million ahead of the waitlist; ahead of the nursing homes, ahead of the disabled. A process that's going to move this facility to the top and take the cream off the milk first. I don't think that's right. I think this bill, if you want to pass it, we pass it, and it goes to the table and it sets on the table, and it waits its turn in line with the other \$200 million worth of bills that we have voted on in here today, and have deemed that are worthy. We have a certain amount of money, and we don't know what it is yet. Maybe later today we'll know some idea; but at some point in time we're going to have to sort this mess out, and I suspect there's going to be close... by the end of this budget cycle is done and this term is done for this year somewhere around \$300 million, to divvy up somewhere around with \$70 or \$80 million. Is this \$5 million the best place that that \$80 million is good to be spent? I don't know; maybe it is, maybe it isn't. But we're not there yet, and what this bill is proposing today is to move this ahead of every other bill that we have out there. Homecare workers, healthcare workers, the nursing homes, everything. I am not ready to do that, folks. I hope you join me in keeping this bill where it belongs, and if it needs to go, put it to the table, wait till the end, and see if we have the money to find it -- fund it, excuse me. But, until we get there, this isn't ready for primetime yet, so please join me in not supporting this bill in this present motion.

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

Representative **RECKITT**: Thank you, Madam Speaker. I, too, had not intended to speak today but I feel it's important to do so. Last year when the question of Downeast Correctional first came up to the Criminal Justice Committee on which I serve, I did not know an awful lot about the facility. I knew a little. I'd never seen the place, as most of the people on the Committee had never done. But I chose to go up there myself on my own time, my own dime, in order to see the facility before I was called upon to vote on it. And what I saw when I visited there was the dedication of the staff, the physical state of the facility, and I began to understand a few other things that we haven't even talked about today, like, for instance, that facility produces all of the jeans of the uniforms of every prisoner in the Maine State system. That appears nowhere as a tradeoff on its allocation. I have no idea what that many jeans cost, but it certainly is something.

The other thing I want to say is that I'm driven by logic in my head, maybe -- and I wish we were more often in this body, and I'm, along with everybody else, one of the people who doesn't always think logically, but today I think I am. And my logic is, if in 2014, and I was not here at the time, but if in 2014 it was decided there would be a prerelease center in

Washington County, then -- and, so far, it has not appeared, it is my suggestion that it would be sensible to start DCF up again, until such time as we put our shoulders to the wheel and got a plan and got a prerelease center in Washington County, where it has already been agreed there needs to be one. So, why would we not utilize this facility in that way until we could build or find a new one in Washington County? That was what we intended to do. So, I suggest that my logical head says that's what we ought to do. And I have one remaining question, frankly, and I don't know who is the person to answer this, so I ask this question through you if that's okay to do in the end of my --

The SPEAKER: The Representative may proceed.

Representative **RECKITT**: I'm curious. It seems to me that when we passed our budget last year, we passed funding for DCF through, I think April of 2019. I'm not sure about that. So, if someone could answer to me what is in the current budget, not a new allocation that would be on Special Appropriations, but is currently there, is, and I'd appreciate the answer. Thank you very much.

The SPEAKER: The Representative from South Portland has posed a question through the Chair. The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Madam Speaker. In the biennial budget that we passed last July, funding for Downeast Correctional Facility was funded through the end of this fiscal year, so up through June 30, 2018.

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

Representative **GROHMAN**: Thank you, Madam Speaker. Women and Men of the House, I don't have a corrections or a law enforcement background. I'm a chemical engineer. I've come to this with a lot of interest, and I just want to make one point that I hope you'll take away from this debate, whichever way you choose to vote. I'll be supporting the pending motion, but I hope we can continue to focus on prerelease services, and Downeast Correctional is really known for that. There may be other ways in the community to get there as well. I think we'll be talking about those down the road. But, we know that having a job is one of the best ways, probably the best way, for an offender to get back on their feet, and when someone does go through our prison system and then gets back on their feet and becomes an independent taxpaying member of society, then I think you can argue that the roughly \$47,000 a year it costs to keep somebody in prison is money well-spent; because that's a lot of money, so I'm glad that we're thinking about it, I'm glad that we're talking about it. We should be. And, look, when it comes to prisons, if it was up to me, we'd close them all, right? They're expensive and it's unfortunate we need them. We gotta run them well. But I think prerelease services are important. That transition, on the day you get out, to land on your feet is immensely effective, is a very good investment for this body to make. So, however we make it, whatever direction you feel is best, I ask that we continue to talk about it and focusing on prerelease services. Thank you, Madam Speaker.

The SPEAKER: The Chair will remind all members to please direct their comments towards the Chair.

The Chair reminded all Representatives to address their comments toward the Speaker.

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

Representative **TIPPING**: Thank you, Madam Speaker. Madam Speaker, may I pose a question to the Chair?

The SPEAKER: The Representative may proceed.

Representative **TIPPING**: Thank you, Madam Speaker. It's my understanding that the vote before us is the first vote of -- that we may take on this bill. And, it's also my understanding that we're not allowed to talk about the actions of the other body in an attempt to influence debate. I've heard a lot of arguments today about exempting things from the table, hypothetical actions by the other body, and I'm wondering whether or not those have any place in the debate before the current bill.

The SPEAKER: The Chair would answer in the affirmative, and thanks the member for the reminder. The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Madam Speaker. I did not intend to rise and speak to this this morning, and I do this with a heavy heart, because I've spoken with many people out there in the hallways about what's going on, and I have a lot of mixed emotions on it; but that's exactly what I want to stay away from, because we're down here to do a job, and the job we're down here to do is to do what's right and what's best for the entire State of Maine. And part of life is sometimes working and part of life is sometimes losing a job, and I can speak to that because I've lost some. And I remember back in 1970-71, I was working in a sawmill in Greenville, Maine. It was Holeb Lumber Company at Beaudry Sawmill down in Greenville, Maine, and we called it Beaudry Lumber at the time. And there was probably in the two shifts working in the mill at the time, that probably affected over a hundred people. And I was working one day, I was running a twin band saw, and we left and it was a nice summer day, everything was fine; and I left and I went down to the local store and I was cashing my check, and as I was cashing my check someone come in and said, "Did you hear the news?" I kind of -- my ears kind of piqued a little bit, and they said, "They just closed the mill. They just closed the sawmill." Well, I had just left there with a check in my hand. And so I got my money from my check, jumped back in the vehicle, rode back up to the mill, and in the short time that we had got released from work that afternoon, the gate was closed, and there was a sign on the gate saying "Closed Until Further Notice," and further notice never came back. So, I know what it is to lose a job and lose your livelihood, and I feel very, very, very, very empathetic to the people involved in this that have lost their jobs; but I also know that we as a Legislature have a job to do, and our job to do is to do what's best for the entire State of Maine.

We know that this has been coming. Anybody that's been here for any length of time, this has been coming. It's time now to make the tough choice, and a hard choice, but we need to close that facility down, and then what we need to do is work very hard, very hard to get -- I understand there's some plans in the works for another prerelease facility, a new and more modern one back there in that area, but we need to work toward those things; and if we do not pass this bill and it does go on the Appropriations Table, then hopefully maybe there is money there, maybe something can be done, but we need to make the right decision right now, and this is not the right decision. Thank you very much, Madam Speaker.

The SPEAKER: There are just two more people in the queue, and the Chair will just give a reminder for everyone to please direct your remarks to the Chair, and the reason why I keep giving that reminder is so that any of you when you are standing up to offer debate or make remarks are not interrupted by either me or by another member in this body, as sometimes happens, especially when we get into heated



discussion on the floor. The Chair recognizes the Representative from Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker. Request permission to ask another question through the Chair.

The **SPEAKER**: The Representative may proceed.

Representative **ACKLEY**: If someone could help me understand how many Washington County employers lost how many employees due to the result of the suspension of the work release program?

The **SPEAKER**: The Representative from Monmouth has posed a question through the Chair to anyone who might be able to answer. The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. It is my understanding, this has been vetted by the Sunrise County Economic Council, that we've lost 55 jobs from the prison, another 22 jobs from the community, and a loss, an annual loss of \$8.4 million out of the economy.

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

Representative **TUELL**: Thank you, Madam Speaker. I've heard quite a bit said here today. I wanted to stand first and thank all of the people from Washington County for coming down today. There's quite a few in the gallery. Many of them came, brought families and friends and whatnot, and regardless of how this turns out, this has got to be a hard, emotional day for all of us.

There's quite a few things that have been said about we knew this was coming. You know, I guess I can see why people would say that, but I want to go back in history with you a little bit. Let's go back to when Governor King was governor, now Senator King, and he proposed closing the facility and wanted to build a new facility in Washington County. That plan was rejected by the voters, as people have mentioned; and let's fast forward a few more years when the previous Chief Executive, Governor Baldacci, thought it would be a good idea to close the facility. He said at the time, Washington County, State of Maine, we're going to get together and try to come up with a combined jail and prison in Washington County. That never materialized. Unfortunately, it did not. But, both of the previous Chief Executives had a plan, a public plan, it was -- I covered the Baldacci plan when I was writing for the local newspaper, and it was contentious at the time. Unfortunately, it didn't come together. This Chief Executive has not presented a public plan to this Legislature, and, unfortunately, we find ourselves in the spot we're in. I will go back to 2014, when we had a plan to build on to the facility at Windham, and that plan for building on down there was to develop a prerelease in Washington County before Downeast Correctional Facility closed. That was the agreement at the time. So, here we are, last year, the facility, Downeast Correctional Facility, was proposed to be eliminated from the budget, which is the right of the Chief Executive to present a budget and find savings and efficiencies wherever he can. That money was put back in the budget, as part of the negotiations, for one year, as the Representative from Westbrook has mentioned. That one year ends on June 30th. Following that, both a member of the other body and myself and our entire delegation have worked on this bill to extend funding for another year. And, note I say extending funding, because technically the Legislature has the authority, and only the Legislature has the authority, to close a facility. This facility at Downeast is established in statute, so if people are saying that others are closing the facility, that the facility is being closed, then I think we have other problems. I think we have

other problems, which we'll not really get into here today, but going forward, Madam Speaker, this has been a public process from the get-go. Folks have debated this and reviewed it, and every time it's come up the Committees have seen and heard from the community as to why this is important. And there are many reasons, I'm sure many of you have gotten emails from businesses and local economic development agencies like Sunrise County Economic Council, which did indeed put out the figures that the Representative from Calais mentioned. They are a nonpartisan, nonprofit organization that has been serving Washington County for 25 years this year, as a matter of fact. They have members on their Board of Directors from all parties and all sectors of the economy; nonprofit, for-profit, you name it. They are a truly grassroots representative agency. They are not a left or right wing think tank. They are a nonprofit, nonpartisan agency.

So, here we are today with an option on the table that I've heard a lot about about it does this and it does that, and we're going to do this and we're going to do that, and we're going to go here and we're going to go there. Well, what this proposal is is to fund the facility for another year and come up with a real plan, which needs to be reported back to this body next year; and until such time, the facility cannot be closed. Do I grant that the Chief Executive has the right to transfer prisoners? I certainly do. I think that right needs to be preserved. But, I must say, the way this has happened has been an end-run around the entire process that we have. And, perhaps we -- that matter is going to be playing out in another avenue here in the next few days or weeks, and I suppose if the Representative from Turner's suggestion bears to fruit, it will play out over the course of months. But, I just have to stand and say that Washington County is behind this facility. They didn't want it at first, but they really embraced it, because these are good jobs and they provide good services in our community.

Now, another point I'm going to make before I sit down: ironically enough, this has all been about money and savings, and all this, that, and the other. Well, there is a statement out there about figures and how they can be manipulated and switched around, and what have you. Everybody's got their own figures, and I'm not getting into that, but what I do know, and my friends on this side of the aisle, is when you vote for higher penalties on drug trafficking or female genital mutilation or you name it, any -- any crime out there, new penalties on trafficking of fentanyl, all of which I agree with, wholeheartedly agree with. I've never seen a penalty that I don't think is too -- I believe if you do the crime, you do the time. But you also have an opportunity to get yourself straightened out and turn it around. And that's what Downeast does. So, I ask as people vote, where are we going to put -- where are we going to put these prisoners that commit these crimes, that we all agree are morally wrong, detestable things that this state does not support and accept. Where are we going to put them? I know some are going to say, "Well, we can put them in Somerset County Jail." Well, are we going to pay them? And how much? We don't know, is the point. We don't really have a concrete plan. And, while -- and, ironically, while all this going on, our county jails are kind of under siege. So, one has to ask oneself, if we're going to be tough on crime, as many of us truly believe we should be, then I guess we need to really decide what the right choice is here, and I will be supporting this motion. I will be supporting it, and if you -- I would encourage you all to follow my shirt. Thank you, Madam Speaker.

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

Representative **STETKIS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Yes, Somerset County -- Somerset County could accept those prisoners. In fact, I just got confirmation from our county jail that there are 50 beds available today that could take every one of those prisoners. I also got confirmation that we could do it for about \$60 a day, which is substantially less than what the state has been paying out there, and we have work release programs as well; and, you know, we feel really, really bad for the folks that are losing their jobs in that area and we -- you know, we have a Labor Department, and those have gone to all the mills around the state and provided these folks opportunities for education and finding other jobs. So, I just wanted to make that clarification. Thank you.

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

**ROLL CALL NO. 487**

**YEA** - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Herrick, Hickman, 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, Skolfield, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

**NAY** - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Foley, 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, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Stearns, Stetkis, Stewart, Strom, Sutton, Timberlake, Vachon, Wadsworth, Wallace, White, Winsor.

**ABSENT** - Fredette, Sherman, Turner, Ward, Wood.

Yes, 87; No, 59; Absent, 5; Excused, 0.

87 having voted in the affirmative and 59 voted in the negative, with 5 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-593)** 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-593)** 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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**COMMUNICATIONS**

The Following Communication: (H.C. 440)

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

February 13, 2018

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

This is to inform you that, pursuant to Title 3 M.R.S.A., §154, I am withdrawing my nomination of David M. MacMahon, Ph.D. of Poland for appointment as a member of the Board of Trustees, University of Maine System.

This nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 441)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

February 13, 2018

Honorable Sara Gideon

Speaker of the House

Honorable Michael D. Thibodeau

President of the Senate

128th Legislature

State House

Augusta, Maine 04333

Dear Speaker Gideon and President Thibodeau:

Please accept this letter as the report of the findings of the Joint Standing Committee on Insurance and Financial Services from its review and evaluation of the State Employee Health Commission under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The committee finds that the State Employee Health Commission is operating within its statutory authority.

Sincerely,

S/Senator Rodney L. Whittemore

Senate Chair

S/Representative Mark W. Lawrence

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 438)  
**UNIVERSITY OF MAINE SYSTEM  
OFFICE OF THE CHANCELLOR  
15 ESTABROOKE DRIVE  
ORONO, MAINE 04469**

February 1, 2018

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the University of Maine System due by February 1, 2018.

As provided in law and corresponding University policy and practice, there are legitimate reasons for waiving competitive procurement as part of standard procurement policy, and all purchases in this report are consistent with established policy and practice. For example, a majority of the expenses for which waivers were granted involve purchases as required or provided for in a grant awarded to the University or a library acquisition as distinct from the University's purchases of general operating supplies and services.

Please contact me if you have any questions or require additional information.

Thank you.

Sincerely,

S/James H. Page, Chancellor

University of Maine System

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

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The Following Communication: (H.C. 439)

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

February 12, 2018

Honorable Roger J. Katz, Senate Chair

Honorable Anne-Marie Mastraccio, House Chair

And Members of the Government Oversight Committee

82 State House Station

Augusta, Maine 04333

Honorable Michael D. Thibodeau, President of the Senate

and Members of the 128th Maine Senate

3 State House Station

Augusta, Maine 04333

Honorable Sara Gideon, Speaker of the House

and Members of the 128th Maine House of Representatives

2 State House Station

Augusta, Maine 04333

Dear Government Oversight Committee Members, Senators and Representatives:

In accordance with 3 M.R.S.A. §995.4, I respectfully submit OPEGA's Annual Report on Activities and Performance for 2017. OPEGA's service to the Legislature as a non-partisan resource is meant to provide support in overseeing and improving the performance of State government. The OPEGA staff and I are committed to continuing to earn the trust and respect of Maine's legislators and citizens as a trusted source of objective, credible information.

Sincerely,

S/Beth L. Ashcroft

Director

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

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The Following Communication: (H.C. 442)

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

February 14, 2018

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 Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Appropriations and Financial Affairs

L.D. 1509 An Act To Prohibit Retired State Employees and Teachers from Returning to Work While Collecting Retirement Benefits

Health and Human Services

L.D. 1715 An Act To Ensure Rural Patient Populations Receive Safe and Effective Health Care

Inland Fisheries and Wildlife

L.D. 1667 An Act To Prohibit the Entry of Anadromous Fish Species into Sheepscot Pond for 3 Years and To Study the Consequences of the Presence of Anadromous Fish in Sheepscot Pond

Judiciary

L.D. 1541 An Act To Protect Certain Administrative Licensing Files

Taxation

L.D. 1283 An Act To Modernize the Mining Excise Tax  
L.D. 1669 An Act Regarding Levies Placed on Accounts at Financial Institutions for Unpaid State Income Taxes

Sincerely,

S/Robert B. Hunt

Clerk of House

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

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Scott Quintero, of Lincolnville, a detective with the Maine State Police, who recently rescued a man from a burning house. We extend to Detective Quintero our appreciation for his lifesaving efforts and offer him our best wishes;

(HLS 898)

Presented by Representative ZEIGLER of Montville.

Cosponsored by President THIBODEAU of Waldo.

On **OBJECTION** of Representative ZEIGLER of Montville, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Montville, Representative Zeigler.

Representative **ZEIGLER**: Madam Speaker, fellow legislators, it is a rare event that would make me leave the comfort of my chair to speak to the chamber. It is. When a person puts themselves in harm's way to protect the life of another, I will stand to honor them, as I hope we all will. Recently, driving late one night on Route 3 and seeing no emergency responders on site, Maine State Police detective Scott Quintero ran into a burning building to save a man who couldn't do this on his own, who was incapable of escaping. It was an act of professionalism, but more than that it was an act of human compassion and bravery. I also apologize for taking so long to be able to say this sentiment. He's been waiting with his children. But I, for one, am glad that Detective

Quintero is living in my district, because I can sleep a little better. Thank you, Madam Speaker.

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

**Recognizing:**

the City of Sanford, which is celebrating its 250th Anniversary. In 1661, a lumberman named William Phillips purchased a large tract of land encompassing what is now Sanford and some of the surrounding area. It was called Phillipstown and remained uninhabited until 1739, but by 1752 the area had 100 residents. On February 27, 1768, the settlement became a town named in honor of Peleg Sanford, stepson of William Phillips and former Governor of the Colony of Rhode Island and Providence Plantations. Agriculture predominated in the town's economy until the late 1860s, when Thomas Goodall established Goodall Mills, initially making carriage robes and blankets and later expanding to produce railroad car upholstery, carpets, draperies and other fabrics. Today, Sanford's industry comprises over 40 firms producing a vast array of items from woollens to aircraft and aircraft components. By 2010, Sanford had grown to 20,798 residents, making it the 7th largest municipality in the State, and on January 1, 2013 became a city after a majority vote of its citizens. We extend to the citizens of the City of Sanford our congratulations on their Sestercentennial Celebration;

(HLS 899)

Presented by Representative MASTRACCIO of Sanford.

Cosponsored by Senator WOODSOME of York, Representative HYMANSON of York, Representative HARRINGTON of Sanford.

On **OBJECTION** of Representative MASTRACCIO of Sanford, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, on your desks or in your notices I hope you will find a lineup of some of the events being held in Sanford throughout 2018, to celebrate our 250th anniversary. I invite you all to make this the year you discover Sanford. Make the choice to get off the turnpike and detour to Maine's newest city. I think you may be surprised to find a welcoming community that combines country living with all the convenience of an urban service center. One of the unexpected perks of serving in this body has been the opportunity to visit and learn about far-flung communities I might never have made my way to on my own. So, consider this an open invitation to visit, and let us show you why we think Sanford is a great place to live, work, and play right now and hopefully for the next 250 years.

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

Representative **HYMANSON**: Thank you, Madam Speaker, Men and Women of the House. My district includes York, which is 366 years old, the second oldest town in Maine after Kittery, and South Sanford, now 250 years old. When our sons were little they played baseball in Sanford's famous Goodall Park, where Babe Ruth played. Over the 35 years I've lived in York, my relationship with Sanford has deepened, certainly more since I've gone door to door running for this office. Sanford has the Maine "get-it-done" spirit and people there are dedicated to moving this city forward. I'm honored to

represent South Sanford in the House, and I welcome them here enthusiastically. Thank you.

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

**ORDERS**

On motion of Representative DEVIN of Newcastle, the following Joint Resolution: (H.P. 1279) (Cosponsored by Senator VITELLI of Sagadahoc and Representatives: ALLEY of Beals, BATTLE of South Portland, BLUME of York, FOLEY of Wells, HUBBELL of Bar Harbor, KUMIEGA of Deer Isle, Senators: LANGLEY of Hancock, VOLK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXCLUDE THE STATE OF MAINE FROM OFFSHORE OIL AND GAS DRILLING AND EXPLORATION ACTIVITIES**

WE, your Memorialists, the Members of the One Hundred and Twenty-eighth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, the United States Department of the Interior, Bureau of Ocean Energy Management 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program has already been released and the programmatic environmental impact statement could be released as early as May 2018; and

WHEREAS, over 46,319 jobs and more than \$2,300,000,000 of the State's gross domestic product depend on clean, oil-free water and beaches and abundant fish and wildlife; and

WHEREAS, over 65% of the State's ocean-derived income stems from our tourism and recreation sector, contributing over \$1,200,000,000 to the State's economy, and this economic sector benefits from and depends upon a healthy ocean and coast; and

WHEREAS, offshore oil and gas drilling and exploration activities place coastal communities at economic and ecological risk from oil spills and the pollution brought by routine drilling operations and onshore industrialization, threatening the quality of life and livelihoods of the State's citizens and important industries, such as tourism and recreation and commercial and recreational fishing, and small businesses that rely on a clean and healthy ocean and beaches; and

WHEREAS, the State recognizes that our communities and industries depend on a healthy coastal environment for the benefit of current and future residents, property owners and visitors; now, therefore, be it

**RESOLVED**: That We, your Memorialists, believe that offshore oil and gas drilling and exploration risks our economic and ecological health and therefore oppose any plan or legislation that encourages oil and gas exploration offshore that would negatively affect the citizens of the State; and be it further

**RESOLVED**: That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully request that the President of the United States and the United States Congress direct the United States Department of the Interior, Bureau of Ocean Energy Management to exclude the State and its offshore areas from the 2019-2024 National Outer

Continental Shelf Oil and Gas Leasing Draft Proposed Program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Donald J. Trump, President of the United States, to Secretary of the Interior Ryan Zinke, to National Oil and Gas Leasing Program Development and Coordination Branch Chief Kelly Hammerle, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

**READ and ADOPTED.**

Sent for concurrence.

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On motion of Representative HERBIG of Belfast, the following Joint Resolution: (H.P. 1280) (Cosponsored by Representatives: ACKLEY of Monmouth, ALLEY of Beals, AUSTIN of Skowhegan, BAILEY of Saco, BATES of Westbrook, BEEBE-CENTER of Rockland, BERRY of Bowdoinham, BRYANT of Windham, CARDONE of Bangor, CASÁS of Rockport, COOPER of Yarmouth, DAUGHTRY of Brunswick, DeCHANT of Bath, DENNO of Cumberland, DEVIN of Newcastle, DOORE of Augusta, DUNPHY of Old Town, FARNSWORTH of Portland, FAY of Raymond, FULLER of Lewiston, GATTINE of Westbrook, Speaker GIDEON of Freeport, GOLDEN of Lewiston, GRANT of Gardiner, GROHMAN of Biddeford, HANDY of Lewiston, HOGAN of Old Orchard Beach, HUBBELL of Bar Harbor, HYMANSON of York, JORGENSEN of Portland, KORNFIELD of Bangor, KUMIEGA of Deer Isle, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MADIGAN of Waterville, MADIGAN of Rumford, MARTIN of Sinclair, MASTRACCIO of Sanford, McCREIGHT of Harpswell, MONAGHAN of Cape Elizabeth, MOONEN of Portland, NADEAU of Winslow, O'NEIL of Saco, PERRY of Calais, PIERCE of Falmouth, RECKITT of South Portland, RILEY of Jay, RYKERSON of Kittery, SANBORN of Portland, SCHNECK of Bangor, SHEATS of Auburn, SPEAR of South Thomaston, STANLEY of Medway, STEARNS of Guilford, STEWART of Presque Isle, TALBOT ROSS of Portland, TEPLER of Topsham, TERRY of Gorham, TIPPING of Orono, TUCKER of Brunswick, ZEIGLER of Montville, Senators: BREEN of Cumberland, CHIPMAN of Cumberland, DESCHAMBAULT of York, DILL of Penobscot, GRATWICK of Penobscot, JACKSON of Aroostook, KATZ of Kennebec, MILLETT of Cumberland, MIRAMANT of Knox, VITELLI of Sagadahoc)

**JOINT RESOLUTION HONORING THE  
LEAGUE OF WOMEN VOTERS OF MAINE**

WHEREAS, on February 14, 1920, 6 months before the 19th Amendment to the United States Constitution was ratified, the national League of Women Voters was formally organized in Chicago; and

WHEREAS, the purposes of the new organization included equal suffrage and citizen education aimed at all of the electorate; and

WHEREAS, the League of Women Voters is a nonpartisan citizens' organization that strives to improve our government and engage our people and our communities in the decisions that affect our lives; and

WHEREAS, the League of Women Voters has held the public trust for 98 years by respectfully bringing elected leaders and the public together through nonpartisan, civil means and through thoughtfully advancing policy solutions; and

WHEREAS, the League of Women Voters operates at national, state and local levels through more than 800 state

and local leagues in all 50 states, as well as the District of Columbia, the Virgin Islands and Hong Kong; and

WHEREAS, the League of Women Voters of Maine has nearly 500 active members and supporters throughout the State, with local chapters serving the Portland area, Bath and Brunswick, Hancock County, Camden and Rockland, Machias and the greater Bangor area; and

WHEREAS, the State has benefited tremendously from the countless volunteer hours donated by league members over the league's history of enhancing democracy; and

WHEREAS, although the League of Women Voters was formed from the movement that secured the right to vote for women, the centerpiece of the league's efforts remains to expand voter participation and give political voice to all Americans; and

WHEREAS, since its inception, the League of Women Voters has helped millions of women and men become informed participants in government, providing information and support on such issues as protection for women and children, the rights of working women, food supply and demand, social hygiene, the legal status of women, American citizenship, aid for maternal and child care programs, social security, food and drug safety and changing the system of hiring within the federal civil service system; and

WHEREAS, the League of Women Voters helped lead the effort to establish the United Nations and to ensure United States participation and was one of the first organizations in the country officially recognized by the United Nations as a nongovernmental organization, and the league continues to maintain official observer status; and

WHEREAS, the League of Women Voters believes in representative government and in the individual liberties established in the United States Constitution, and that democratic government depends upon informed and active participation and respects the citizens' right to information about government records and proceedings; and

WHEREAS, the League of Women Voters believes that every citizen's right to vote should be protected, that every person should have access to free public education that provides equal opportunity for all and that no person or group should suffer legal, economic or administrative discrimination; and

WHEREAS, the League of Women Voters believes that efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing and coordination among the different agencies and levels of government; and

WHEREAS, the League of Women Voters believes that government should be responsive to the will of the people and that government should maintain an equitable and flexible system of taxation, promote the conservation and development of natural resources in the public interest, share in the solution to economic and social problems that affect the general welfare, promote a sound economy and adopt domestic policies that facilitate solving international problems; and

WHEREAS, the League of Women Voters believes that cooperation with other nations is essential in the search for solutions to world problems and that the development of international organization and international law is imperative in the promotion of world peace; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to honor the League of Women Voters of Maine on the 98th anniversary of the founding of the national

organization and to recognize the distinguished service and accomplishments of the League of Women Voters of Maine for the people of the State; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be presented to the League of Women Voters of Maine as a tangible token of appreciation.

**READ.**

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

Representative **HERBIG:** Thank you, Madam Speaker, Women and Men of the House. Born on the streets of Chicago, guided by little but their voices and the radical belief that women deserve the right to vote, the National League of Women Voters has grown to be no stranger to a good fight for the sake of democracy. In the 98 years since passage of the 19th Amendment, the League has championed the right of every voter, regardless of political party, to access the ballot box. They've worked to empower Americans to force change in the voting booth, in their communities, and with their elected representatives. From Chicago to Hong Kong and most places in between, the League continues to fight for transparent governments, informed citizens, the road to international peace and the eradication of economic discrimination. I can't think of a better testament to the impact of organizations like the League of Women Voters than this very chamber. In this house, three of the five elected leaders are women. In total, there are 53 women, more than a third, seated as State Representatives in this chamber. Now, in my opinion, that's not enough and we can do better. But on those Chicago streets, six months before women were granted the right to vote, do you think those suffragettes, those advocates, the League of Women Voters, pictured us in these seats? I'd like to think that they did. Thank you to the League of Women Voters for your dedication and devotion to our country, its citizens, and especially to women from all political parties. Congratulations once again on your birthday. Here's to another century of progress. Thank you.

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

Representative **HYMANSON:** Thank you, Madam Speaker and Men and Women of the House. When I was 5 years old, in the early '60s, my mom dressed me in bobby socks and my patent leather shoes and put on a dress, and I went to a woman's house. I didn't know who they were, but they were all kind to me and they sat around a table. They weren't cooking, they weren't cleaning, they weren't knitting or doing other things that I knew my mom to do, but they were talking about something important. I wasn't sure what it was, but they were talking about important things in an organized way. They were the League of Women Voters, and my mom was part of it. Fast forward, here I am in the House, and now I point people to the League of Women Voters Maine website for their work engaging and informing voters, protecting voters and improving elections, fighting big money in politics, and fostering civil discourse. Happy birthday.

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

Representative **HICKMAN:** Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I rise in humility to honor the important and the great work of the League of Women Voters, founded on February the 14th, 1920, in Chicago, Illinois; which just so happened to be the exact same day my father was born in Inverness, Mississippi. My father, who has been heavy on my mind, especially since I

soak collard greens on his birthday every year, fought for freedom in World War II. But he came home to a nation that wasn't too kind to black soldiers returning from the war. Still, he registered to vote in 1956 and cast his first ballot for President Eisenhower. But he, along with my mother and other black women in the north, found it difficult to vote in many elections thereafter, due to property restrictions and voter intimidation and other extralegal activities at the ballot box, including tests that required them to read and interpret the Constitution before being eligible to cast a ballot. My parents became involved in the civil rights movement in Milwaukee, known at the time as the Selma of the North, after multitudes of black people marched against Jim Crow and violence.

And, so, Madam Speaker, in remembrance of my parents and in the League of Women Voters' honor, I will quote briefly from history.

"Today I want to tell the city of Selma, today I want to say to the state of Alabama, today I want to say to the people of America and the nations of the world, that we are not about to turn around. We are on the move now. Yes, we are on the move..."

"Like an idea whose time has come, not even the marching of mighty armies can halt us. We are moving to the land of freedom."

"Let us therefore continue our triumphant march to the realization of the American dream. Let us march on ballot boxes until race-baiters disappear from the political arena."

"Let us march on ballot boxes until the salient misdeeds of bloodthirsty mobs will be transformed into the calculated good deeds of orderly citizens."

"Let us march on ballot boxes until the George Wallaces of our nation tremble away in silence. Let us march on ballot boxes until we send to our city councils, state legislatures and the United States Congress women and men who will not fear to do justly, love mercy, and walk humbly with thy God."

"Let us march on ballot boxes until brotherhood becomes more than a meaningless word in an opening prayer, but the order of the day on every single legislative agenda."

"The only normalcy that we will settle for is the normalcy that recognizes the dignity and worth of all God's children. The only normalcy that we will settle for is the normalcy that allows justice to run down like waters, and righteousness like a mighty stream. The only normalcy that we will settle for is the normalcy of true peace, the normalcy of justice."

Those were some of the words delivered by the good Reverend Dr. Martin Luther King, Jr., to a multitude of warriors, at the end of the Selma to Montgomery March for voting rights more than 50 years ago. But, Madam Speaker, even as I stand here today, young people, students, senior citizens, racial and ethnic minorities and poor people of all backgrounds all over this land are blocked from exercising their right to vote, because of voter suppression laws and conniving shenanigans that date back to Jim Crow.

Madam Speaker, there can be no freedom without justice and in a free society there can be no justice without universal suffrage. I am reminded always of the words of the great American author James Baldwin, who wrote, "One must say Yes to life and embrace it wherever it is found—and it is found in terrible places..." "For nothing is fixed, forever and forever, it is not fixed; the earth is always shifting, the light is always changing, the sea does not cease to grind down rock. Generations do not cease to be born, and we are responsible to them because we are the only witnesses they have. The sea rises, the light fades, lovers cling to each other, and children, children cling to us. The moment we cease to hold

each other, the moment we break faith with one another, the sea engulfs us and the light goes out."

We are at a crossroads, Madam Speaker. The soul of this nation is sick right now. We must all come together to help heal her ills. There is no time for silence. There is no time for apathy. There is no time for despair. We must organize, we must show up, we must keep faith with one another, we must hold onto hope, and by all means, we must always vote. For as the great John Lewis, civil rights leader turned United States Congressman, rightfully proclaims, "the vote is the most powerful nonviolent tool we have." And so as we go away this afternoon, let us go away more committed to ensuring that every citizen can exercise the right to vote without impediment; ever more committed to ensuring that we respect the will of the voters as expressed by the election results of every single election; and ever more committed to ensuring that we accept those results whether we like them or not. That is our solemn duty, Madam Speaker. That is our greatest responsibility, and dedicated members of the League of Women Voters stand before my Committee on Veterans and Legal Affairs to remind us of that duty and that responsibility any time an elections bill appears before us. And so, Madam Speaker, Women and Men of the House, please join me in extending abundant gratitude and appreciation to the League of Women Voters on their 98th anniversary, and for their unparalleled work to advance the core values of our democratic republic, and for their ongoing march toward freedom and justice for all. Thank you, Madam Speaker.

Subsequently, the Joint Resolution was **ADOPTED**.  
Sent for concurrence.

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

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 57)

ORDERED, that Representative Ellie Espling of New Gloucester be excused February 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Aaron M. Frey of Bangor be excused January 23 and February 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Wayne R. Parry of Arundel be excused February 6 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Jeffrey K. Pierce of Dresden be excused February 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Christina Riley of Jay be excused February 8 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Rachel Talbot Ross of Portland be excused January 23 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Roger L. Sherman of Hodgdon be excused January 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Abden S. Simmons of Waldoboro be excused February 6 and 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Raymond A. Wallace of Dexter be excused February 8 for personal reasons.

**READ and PASSED.**

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Resolve, Regarding Legislative Review of Portions of Chapters 126 and 261: Immunization Requirements for School Children, Joint Major Substantive Rules of the Department of Education and the Department of Health and Human Services (EMERGENCY)

(H.P. 1148) (L.D. 1664)

Signed:

Senators:

CHIPMAN of Cumberland  
HAMPER of Oxford

Representatives:

HYMANSON of York  
CHACE of Durham  
DENNO of Cumberland  
HEAD of Bethel  
MADIGAN of Waterville  
MALABY of Hancock  
McCREIGHT of Harpswell  
PARKER of South Berwick  
PERRY of Calais  
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-588)** on same Resolve.

Signed:

Senator:

BRAKEY of Androscoggin

**READ.**

On motion of Representative HYMANSON of York, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Resolve was **READ ONCE**.

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** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish

(H.P. 12) (L.D. 11)

Signed:

Senators:

CYRWAY of Kennebec  
CARPENTER of Aroostook

Representatives:

DUCHESNE of Hudson  
ALLEY of Beals  
HARLOW of Portland  
LYFORD of Eddington  
NADEAU of Winslow  
REED of Carmel  
STEARNS of Guilford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-589)** on same RESOLUTION.

Signed:  
Senator:  
WOODSOME of York

Representatives:  
MASON of Lisbon  
THERIAULT of China  
WOOD of Greene

**READ.**

On motion of Representative ESPLING of New Gloucester, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Increase the Jurisdictional Limits for Small Claims"

(H.P. 216) (L.D. 283)

Signed:  
Senator:  
HILL of York

Representatives:  
MOONEN of Portland  
BABBIDGE of Kennebunk  
BAILEY of Saco  
CARDONE of Bangor  
McCREIGHT of Harpswell  
RECKITT of South Portland  
SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-590)** on same Bill.

Signed:  
Senators:  
KEIM of Oxford  
WHITTEMORE of Somerset

Representatives:  
BRADSTREET of Vassalboro  
GUERIN of Glenburn  
JOHANSEN of Monticello

**READ.**

Representative MOONEN of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **GUERIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I stand opposed to the pending motion. Currently a small claim is \$6,000 or less. It was last increased in 2009. This bill would simply increase that limit for a small claims court claim to \$15,000. The cost of even the simplest trial will quickly and substantially exceed \$6,000 with attorney fees, alternative

dispute resolution, mediation fees, filing fees, stenographic fees, copying fees, etcetera. This has a chilling effect on the common person's access to the judicial system via the court system. So, I would urge people to think of how much money this will save your constituents. If they need to do a claim, they wouldn't have to go with a full court proceeding but could instead go to small claims court, up to \$15,000. Thank you, Madam Speaker.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise in support of the pending motion. When we heard this bill in Committee last year, there was bipartisan agreement that we should be open to discussions about changing the jurisdictional limit on small claims. But we weren't sure where to go with it. I can tell you that 22 states have a jurisdictional limit below what we have and 23 states have a jurisdictional limit above what we have. So, we're pretty much square in the middle as we are right now. At that time the judicial branch came in and offered to study this issue for us, among other issues that they were willing to look at, and the Committee accepted that offer and agreed to carry over the bill. The judicial branch returned to our Committee in January and said that they had not yet completed that study, and that they were meeting with lots of other states about these issues in March in Boston; but because the meeting was scheduled for March, there was just no way for them to complete the study and bring us their final report before the short session ends on time in April, which I surely hope will happen. Based on that, we really -- those of us on the bipartisan Majority Report did not feel comfortable moving forward without the appropriate information about how this is changing in other states across the country, and how we can adjust ours and still be in the middle ground. The current bill would take the jurisdictional limit up to \$15,000, which would put us in the top five states for the highest limit in the country, and just way out of step with the middle road here that makes sense.

There a couple other things I want to say about this. There are certainly advantages to going to small claims court. I think we always -- we all recognize that, but there are disadvantages, too. If you're going to small claims court, the rules that apply in district court don't exist, or at least some of them don't, including the rules of evidence, discovery, pretrial motions; none of that is available to people in small claims court. So, sometimes it's advantageous for people to go, but other times they are giving up important protections and important pieces of the process that our constituents really need. So we need to think really carefully about what the dollar amount is that we set it at, when people are going to have to give up those protections.

Finally, I would say that some other states are moving in a direction that is even more complicated than this. They are setting one limit for certain types of small claims debts and setting different limits for consumer credit debts. And we really need to think about what we're doing with this before we make those types of decisions, and it's just -- for those of us on the bipartisan Majority Report, we felt like we were flying blind, did not have the appropriate information at this time, and we were willing to wait until that report is finalized and brought back to us next year. So, I ask you to support the bipartisan Majority Report, and hopefully we can make a good consensus decision with that information next year. Thank you, Madam Speaker.



The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Stewart.

Representative STEWART: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Just a quick question to be posed through the Chair.

The SPEAKER: The Representative may proceed.

Representative STEWART: I am aware that there is a backlog among most of our courts in Maine so I'm just curious what it would be -- what sort of impact a change in this would have in the backlog, particularly as it relates to the district court level. Thank you.

The SPEAKER: The Representative from Presque Isle has posed a question through the Chair to anyone who might be able to answer.

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. 488**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, 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, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

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

ABSENT - Herrick, Johansen, Sherman, Skolfield, Turner, Ward, Wood.

Yes, 80; No, 64; Absent, 7; Excused, 0.

80 having voted in the affirmative and 64 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-592)** on Bill "An Act Authorizing the Deorganization of Cary Plantation" (H.P. 560) (L.D. 780)

Signed:

Senators:

DAVIS of Piscataquis  
KEIM of Oxford

Representatives:

MARTIN of Sinclair  
BEEBE-CENTER of Rockland  
HARRINGTON of Sanford

HOGAN of Old Orchard Beach  
MADIGAN of Rumford  
ORDWAY of Standish  
PICKETT of Dixfield

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

Signed:

Representative:

BRYANT of Windham

**READ.**

On motion of Representative MARTIN of Sinclair, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-592)** 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-592)** and sent for concurrence.

**ENACTORS**

**Emergency Measure**

An Act To Allow The Maine Educational Center for the Deaf and Hard of Hearing and Governor Baxter School for the Deaf To Lease Space to Maine's Protection and Advocacy Agency for Persons with Disabilities

(H.P. 1209) (L.D. 1756)

(C. "A" H-577)

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.

**Emergency Measure**

An Act To Repeal the Sunset Date on the Laws Governing Licensure of Appraisal Management Companies

(H.P. 1268) (L.D. 1826)

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 Expedite Health Care Employment for Military Veterans

(H.P. 921) (L.D. 1327)

(C. "A" H-581)

An Act To Amend the Motor Vehicle Laws

(H.P. 1172) (L.D. 1692)

(C. "A" H-580)

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:

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, February 13, 2018, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Cameron Croft, of Sidney

(HLS 837)

TABLED - January 3, 2018 (Till Later Today) by Representative PERKINS of Oakland.

PENDING - **PASSAGE**.

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

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SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-350)** - Committee on **TRANSPORTATION** on Bill "An Act To Create the Fund for Municipalities To Improve Pedestrian Safety"

(S.P. 199) (L.D. 584)

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

TABLED - February 13, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

Representative GOLDEN of Lewiston **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**: 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. 489**

YEA - Alley, Austin B, Austin S, Babbidge, Bates, Battle, Berry, Bickford, Black, Bradstreet, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Collings, Cooper, Corey, Craig, DeChant, Denno, Dillingham, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fecteau, Foley, Fredette, Frey, Gattine, Gerrish, Gillway, Ginzler, Grant, Grignon, Guerin, Haggan, Hamann, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Kinney J, Kinney M, Kornfield, Kumiega, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin R, Mason, Mastraccio, McCrea, McElwee, McLean, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Reed, Riley, Sampson, Sanborn, Sanderson, Schneck, Seavey, Simmons, Sirocki, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Talbot Ross, Terry, Theriault, Timberlake, Tucker, Tuell, Vachon, Wadsworth, Wallace, Warren, White, Winsor, Zeigler, Madam Speaker.

NAY - Ackley, Bailey, Beebe-Center, Blume, Brooks, Chapman, Daughtry, Devin, Fay, Fuller, Golden, Grohman, Handy, Harlow, Jorgensen, Lawrence, Martin J, McCreight,

Melaragno, Rykerson, Sheats, Spear, Sylvester, Tepler, Tipping.

ABSENT - Herrick, Johansen, Sherman, Skolfield, Turner, Ward, Wood.

Yes, 119; No, 25; Absent, 7; Excused, 0.

119 having voted in the affirmative and 25 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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**SENATE PAPERS**

The following Joint Order: (S.P. 693)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 20, 2018 at 10:00 in in the morning.

Came from the Senate, **READ** and **PASSED**.

**READ** and **PASSED** in concurrence.

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Bill "An Act To Authorize a Prerelease Facility in Washington County" (EMERGENCY)

(S.P. 694) (L.D. 1841)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

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Bill "An Act To Revise the Municipal Consolidation Referendum Process"

(S.P. 692) (L.D. 1840)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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

Representative **SANBORN**: Madam Speaker, I request permission to speak on the record.

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

Representative **SANBORN**: Madam Speaker, Members of the House, I rise today as a mom. Like countless other moms and dads around this state and around this country, I told my 14-year-old son this morning that I loved him, and I sent him off to school with the knowledge that families in Parkland, Florida had done the same thing yesterday, and at least 17 of those families will never see their children again, because those children were gunned down in their high school yesterday.

I rise today as a former high school teacher. Almost 19 years ago, I was a student teacher in Vermont when 12 students and a teacher were massacred at Columbine High School in Colorado. My school started doing active shooter drills that spring, and I believed that our elected leaders would enact policies to try to reduce the likelihood that it would ever happen again. But, of course, they did not. And, of course, it has happened again and again and again and again. Six years ago, 20 first-graders in Newtown, Connecticut were gunned down in their elementary school at Sandy Hook. Their moms and dads had sent them off to school in the morning,

just as I did with my son this morning, and they never came home; and our elected leaders did nothing but offer thoughts and prayers. In the six years since Newtown, there have been 239 school shootings. Indeed, Madam Speaker, as you noted at the beginning of our session this morning, there have been 18 school shootings in 2018. Folks, it's mid-February, so let me say that again. There have been 18 school shootings in the first 45 days of this year. And three of the deadliest mass shootings in all of modern history have come in the last five months, including the shooting at Parkland yesterday.

Madam Speaker, I rise because our moment of silence at the beginning of session this morning was not enough. Our thoughts and prayers are not enough. They are not nearly enough. None of us were elected to this body to offer thoughts and prayers. We were elected to enact policies that make our state better. Making our state better must, at the very least, include doing everything that we can to ensure that our kids are safe from gun violence when we send them off to school in the morning. Our constituents did not send us here for our silence. They sent us here to take action and to make good policy. I urge all of us to keep that in mind as we proceed through this session. Thank you.

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The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Cooper, who wishes to address the House on the record.

Representative **COOPER**: Thank you, Madam Speaker. Yesterday was Valentine's Day, but that's not why I hope we will remember that day. It is, in fact, a day that should live in infamy for the reasons just outlined. After Sandy Hook, I thought nothing could be worse. The pulverization of 5- and 6-year-olds at that elementary school was so horrific that I thought, surely, this state, this nation would take action. But if we didn't take action for 5- and 6-year-olds, are we going to do it for 15- and 16-year-olds? I say we have to. After Sandy Hook, I spoke on the floor, I spoke with passion in caucus, I wrote op/eds, I joined organizations. One of those was called Maine Moms for Sensible Gun Laws. I like the name because it had moms in it, and as just said, there's a special empathy and understanding that parents have for the loss of children. And I personally know what that pain is. I lost my daughter to a violent and sudden act of violence a few years ago. It wasn't by gunshot, but it was just as out of the blue and devastating. It is a loss that I will never recover from, not only because I lost her love, but because the world lost a beautiful humanist who gave so much to the world and had so much to offer. And that is what I think all the parents in Parkland are feeling this morning, those who lost their children and those who didn't: what has been lost. So we cannot, we shall not do nothing again. There is no reason for this. America leads the world in gun deaths. We lead the world in the number of guns in our possession. We are by far the most violent nation in the world. It is inexcusable. Now, I know opponents of gun control measures say well, the real problem is mental health. And, surely, it is true that anybody who commits a mass shooting in a school is unhinged. Why else would you do it? But, time after time, we have learned that we were not able to predict the behavior of these people. So that is not the answer. The one common denominator in each of these horrific episodes has been the presence of high-powered weapons, high-powered, not a little gun, but an AK-15 or the like, the kind of weapon that does incredible destruction to bodies and even to prey. We don't need such weapons.

Now, this is not a Republican issue, it is not a Democratic issue. We are all complicit. And, so, I hope today will be a turning point, and that we take from this tragedy a new vigor to move forward in harmony with each other, to bring this slaughter to an end. Thank you.

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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 GOLDEN of Lewiston, the House adjourned at 1:32 p.m., until 10:00 a.m., Tuesday, February 20, 2018, pursuant to the Joint Order (S.P. 693) and in honor and lasting tribute to the victims of the tragic school shooting at Marjory Stoneman Douglas High School in Parkland, Florida.