

# 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  
24th Legislative Day  
Tuesday, March 27, 2018

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

Prayer by Reverend Brad Hirst, Second Christian Congregational United Church of Christ, Kittery.

National Anthem by Skowhegan Middle School Band and Chorus.

Pledge of Allegiance.

Doctors of the day, Michael McCarten, D.O. and Kevin Fickenschner, M.D., Kittery Point.

The Journal of Thursday, March 22, 2018 was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Expression of Legislative Sentiment Recognizing Makyla McKenzie, of Parkman

(HLS 952)

**READ** and **PASSED** in the House on March 20, 2018.

Came from the Senate **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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**Non-Concurrent Matter**

Expression of Legislative Sentiment Recognizing Briana Spaulding, of St. Albans

(HLS 953)

**READ** and **PASSED** in the House on March 20, 2018.

Came from the Senate **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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**Non-Concurrent Matter**

Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry (EMERGENCY)

(S.P. 640) (L.D. 1741)

(C. "A" S-373)

**FAILED** of **FINAL PASSAGE** in the House on March 20, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-373) AND SENATE AMENDMENT "A" (S-402)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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**Non-Concurrent Matter**

Bill "An Act To Improve Public Safety through Expanded Department of Corrections Treatment, Education and Vocational Programs"

(H.P. 1186) (L.D. 1706)

Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653)** in the House on March 20, 2018.

Came from the Senate with the Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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**COMMUNICATIONS**

The Following Communication: (H.C. 469)

**STATE OF MAINE**

**OFFICE OF THE GOVERNOR**

**1 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333-0001**

March 22, 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 Nils R. Whitman Jr. of Marshfield for appointment as a member of the Washington County Development Authority.

This nomination is currently pending before the Senate for confirmation. 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. 470)

**STATE OF MAINE**

**CLERK'S OFFICE**

**2 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333-0002**

March 27, 2018

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the request by the sponsor, Representative Handy of Lewiston, to report the following "Leave to Withdraw":

L.D. 301

An Act To Protect Children from Marijuana Sales by Prohibiting Retail Marijuana Establishments and Social Clubs near Schools (EMERGENCY)

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the request by the sponsor, Representative Harvell of Farmington, to report the following "Leave to Withdraw":

L.D. 498

An Act Regarding Marijuana Licensing

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the request by the sponsor, Representative Hamann of South Portland, to report the following "Leave to Withdraw":

L.D. 545

An Act To Ensure Maine's Unorganized Townships and Plantations Maintain Local Control under Laws Legalizing Marijuana

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the request by the sponsor, Representative Handy of Lewiston, to report the following "Leave to Withdraw":

L.D. 625 An Act To Prohibit the Location of a Marijuana Facility within 2,000 Feet of a House of Public Worship or Property Associated with a House of Public Worship

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the request by the sponsor, Representative Handy of Lewiston, to report the following "Leave to Withdraw":

L.D. 627 An Act To Establish a Data Collection Program To Monitor Effects of Marijuana Regulation (EMERGENCY)

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the request by the sponsor, Representative Blume of York, to report the following "Leave to Withdraw":

L.D. 734 An Act Extending the Time Period for Municipalities To Approve Marijuana Businesses

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the request by the sponsor, Representative Harvell of Farmington, to report the following "Leave to Withdraw":

L.D. 798 An Act To Clarify the Intent of the Licensing Provisions in the Marijuana Legalization Act

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the request by the sponsor, Representative Handy of Lewiston, to report the following "Leave to Withdraw":

L.D. 799 An Act To Protect Landlords and Tenants from the Deleterious Effects of Marijuana Use (EMERGENCY)

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the request by the sponsor, Representative Hamann of South Portland, to report the following "Leave to Withdraw":

L.D. 854 An Act To Correct Errors and Inconsistencies in the Marijuana Legalization Act as Approved by the Voters

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the request by the sponsor, Representative Hamann of South Portland, to report the following "Leave to Withdraw":

L.D. 855 An Act To Protect Children from Edible Cannabis Products

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the request by the sponsor, Representative Hamann of South Portland, to report the following "Leave to Withdraw":

L.D. 938 An Act To Harmonize Provisions of 'An Act To Legalize Marijuana' with Related Provisions of the Maine Medical Use of Marijuana Act

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the request by the sponsor, Representative Beebe-Center of Rockland, to report the following "Leave to Withdraw":

L.D. 1197 An Act to Support Substance Use Disorder Prevention, Treatment and Recovery

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the

request by the sponsor, Representative Martin of Sinclair, to report the following "Leave to Withdraw":

L.D. 1209 An Act To Reserve for County Government One Percent of the Excise Tax Revenue from the Sale of Retail Marijuana

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the request by the sponsor, Representative Jorgensen of Portland, to report the following "Leave to Withdraw":

L.D. 1596 An Act To Establish the Cannabis Advisory Commission

Sincerely,  
S/Robert B. Hunt  
Clerk of the House

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

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The Following Communication: (H.C. 471)

**STATE OF MAINE  
CLERK'S OFFICE**

**2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

March 27, 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:"

Education and Cultural Affairs

L.D. 1860 An Act To Prepare All Students for Work and Life by Requiring that Students Receive Instruction in Vocational Preparation and Practical Life Skills

Transportation

L.D. 1752 An Act To Amend the Laws Governing Pilotage Requirements for Passenger Ferry Service between Maine and Nova Scotia

Sincerely,  
S/Robert B. Hunt  
Clerk of House

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

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The Following Communication: (H.C. 472)

**STATE OF MAINE  
OFFICE OF THE**

**SECRETARY OF STATE  
AUGUSTA, MAINE 04333-0148**

March 22, 2018

Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

Please find enclosed a certified copy of the proclamation referring the People's Veto of "An Act To Implement Ranked-choice Voting in 2021" to the electors at the statewide election to be held on June 12, 2018. A copy of the determination of this petition is also enclosed.

Sincerely,  
S/Matthew Dunlap  
Secretary of State

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

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The Following Communication: (H.C. 473)

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

March 26, 2018

Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On March 21, 2018

Jack Witham of Arrowsic for reappointment to the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12, MRSA §10308, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Peter M. SeeHusen of Corinna for reappointment to the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12, MRSA §10308, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

On March 22, 2018

Brent A. Davis, Esq. of Skowhegan for appointment as a Judge to the Maine District Court.

Pursuant to Article V, Part First, §8, of the Maine Constitution, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Tammy Ham-Thompson, Esq. of Gardiner for appointment as a Judge to the Maine District Court.

Pursuant to Article V, Part First, §8, of the Maine Constitution, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Judge Bernard G. O'Mara of Dyer Brook for appointment to Active Retired Status of the Maine District Court.

Pursuant to Title 4, MRSA §157-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Judge André G. Janelle of Saco for appointment to Active Retired Status of the Maine District Court.

Pursuant to Title 4, MRSA § 157-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Judge Patricia G. Worth of Belfast for appointment to Active Retired Status of the Maine District Court.

Pursuant to Title 4, MRSA §157-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Stephen D. Nelson, Esq. of Houlton for appointment as a Judge to the Maine District Court.

Pursuant to Article V, Part First, §8, of the Maine Constitution, this appointment is contingent on the Maine Senate

confirmation after review by the Joint Standing Committee on Judiciary.

Lea-Anne Sutton, Esq. of Gorham for appointment as a Judge to the Maine District Court.

Pursuant to Article V, Part First, §8, of the Maine Constitution, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,  
S/Sara Gideon

Speaker of the House

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

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The Following Communication: (S.C. 911)

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

March 22, 2018

Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on State and Local Government on Bill "An Act To Change Certain Gender-specific Terminology in the Laws Regarding Municipalities and Counties" (H.P. 1154) (L.D. 1668) in non-concurrence.

Best Regards,

S/Heather J.R. Priest  
Secretary of the Senate

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

Bill "An Act To Authorize a General Fund Bond Issue To Strengthen School Security"

(H.P. 1316) (L.D. 1883)

Sponsored by Representative COREY of Windham.

Cosponsored by Senator DIAMOND of Cumberland and Representatives: ESPLING of New Gloucester, FREDETTE of Newport, GOLDEN of Lewiston, HERBIG of Belfast, Senators: JACKSON of Aroostook, LIBBY of Androscoggin, MASON of Androscoggin, President THIBODEAU of Waldo.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent for concurrence.

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Bill "An Act To Authorize the Treasurer of State To Facilitate the Establishment of ABLE Accounts for Qualified Persons"

(H.P. 1314) (L.D. 1881)

Sponsored by Representative POULIOT of Augusta.

Cosponsored by Senator WHITTEMORE of Somerset and Representatives: FOLEY of Wells, SANBORN of Portland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

**REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent for concurrence.

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Bill "An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment"

(H.P. 1312) (L.D. 1880)

Sponsored by Representative WHITE of Washburn. (GOVERNOR'S BILL)

Cosponsored by Senator CUSHING of Penobscot.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative HERBIG of Belfast, **TABLED** pending **REFERENCE** and later today assigned.

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Bill "An Act To Exempt from Taxation Sales to Certain Nonprofit Organizations Supporting Veterans"

(H.P. 1315) (L.D. 1882)

Sponsored by Representative POULIOT of Augusta. (GOVERNOR'S BILL)

Cosponsored by Senator HAMPER of Oxford and Representatives: CASÁS of Rockport, DEVIN of Newcastle, FARRIN of Norridgewock, HANINGTON of Lincoln, KINNEY of Limington, LONGSTAFF of Waterville, STETKIS of Canaan, WINSOR of Norway.

Committee on **TAXATION** suggested and ordered printed.

**REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

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

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### ORDERS

On motion of Representative MOONEN of Portland, the following Joint Resolution: (H.P. 1313) (Cosponsored by Senator KEIM of Oxford)

#### **JOINT RESOLUTION RECOGNIZING SUNSHINE WEEK, MARCH 11-17, 2018**

WHEREAS, James Madison, generally regarded as the father of our federal Constitution, wrote that "a people who mean to be their own Governors, must arm themselves with the power which knowledge gives"; and

WHEREAS, every citizen in our participatory democracy has an inherent right of access to government meetings and public records; and

WHEREAS, an open and accessible government is vital to establishing and maintaining the people's trust and confidence in their government and in the government's ability to effectively serve its citizens; and

WHEREAS, we celebrate open government and recognize its importance in developing how people who believe in democracy think about transparency and its role in government, leading to the adoption of our own Freedom of Access Act; and

WHEREAS, the protection of every person's right of access to public records and government meetings is a high priority for the State of Maine; and

WHEREAS, Sunshine Week was established to spark a discussion about the importance of open government and public access to government documents and meetings; 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 recognize Sunshine Week during the week of March 11-17, 2018 and confirm the basic principles of an open and accessible government in a free society and urge all citizens to join in this observance.

**READ** and **ADOPTED**.

Sent for concurrence.

---

On motion of Speaker GIDEON of Freeport, the following Joint Resolution: (H.P. 1317) (Cosponsored by Senator LANGLEY of Hancock and Senators: HILL of York, KATZ of Kennebec)

#### **JOINT RESOLUTION TO REAFFIRM FRIENDSHIP BETWEEN MAINE AND TAIWAN, TO ENHANCE BILATERAL RELATIONS AND TO SUPPORT TAIWAN IN THE INTERNATIONAL COMMUNITY**

WHEREAS, the United States and Taiwan, the Republic of China, share a most important relationship, marked by a mutually beneficial partnership and supported by our common values of freedom, democracy, rule of law and a free market economy; and

WHEREAS, Taiwan's President Tsai Ing-wen has worked tirelessly to uphold democratic principles in Taiwan, ensure the prosperity of Taiwan's 23,000,000 people, promote Taiwan's international standing, further improve relations between the United States and Taiwan and maintain peace in the Asia-Pacific region; and

WHEREAS, the United States, and in particular the State of Maine, and Taiwan share a historically close relationship marked by strong bilateral trade, educational and cultural exchange, scientific and technological interests and tourism; and

WHEREAS, the United States ranks as Taiwan's 2nd-largest trading partner and Taiwan ranked as the 10th-largest trading partner of the United States in 2017, with bilateral trade in goods and services from January to November 2017 between the United States and Taiwan amounting to approximately \$62,400,000,000, and that trade has created or supported at least 322,728 United States jobs, according to the United States Department of Commerce; and

WHEREAS, New England exported more than \$1,000,000,000 in goods to Taiwan, of which Maine exported \$95,800,000 in goods, mostly computer and electronic products, machinery, fish and marine products and paper, making Taiwan Maine's 5th-largest export market in Asia in 2016, and Taiwan and the United States seek to increase trade and investment through bilateral agreements, which will result in greater exports from Maine to Taiwan; and

WHEREAS, Taiwan has established reciprocal driver's license agreements with 25 states across the United States,

including Massachusetts, thereby facilitating and streamlining the license conversion process and providing citizens of Taiwan and the various states with the ease and convenience of being able to drive within Taiwan and the respective jurisdictions; and

WHEREAS, Taiwan is the 18th-largest global market and its inclusion in international organizations such as the World Health Organization, the International Criminal Police Organization and the International Civil Aviation Organization is in the best interest and important to the safety of the international community, as Taiwan is a key transport hub for international air travel and a large flight path in the Asia-Pacific region remains under Taiwan's jurisdiction, and Taiwan's inclusion in the United Nations Framework Convention on Climate Change is necessary in the global effort to combat climate change; 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, reaffirm the friendship between Maine and Taiwan, the Republic of China, and we continue to support efforts to further strengthen United States-Taiwan and Maine-Taiwan trade and investment relations and support Taiwan's participation in international organizations and agreements, including the World Health Organization, the International Criminal Police Organization, the International Civil Aviation Organization and the United Nations Framework Convention on Climate Change; 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, the members of the Maine Congressional Delegation, Governor Paul LePage, President Tsai Ing-wen of Taiwan and Scott Lai, Director-General of the Taipei Economic and Cultural Office in Boston.

**READ and ADOPTED.**

Sent for concurrence.

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### SPECIAL SENTIMENT CALENDAR

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

**Recognizing:**

the Edward Little High School Boys Varsity Basketball Team, of Auburn, which won the Class AA State Championship. Members of the team include Tyler Morin, Wol Maiwen, Caleb Roberts-Yarnevich, Terrell Thomas, Storm Jipson, Ahmed Abidir, Ethan Brown, Grant Hartley, Austin Brown, Ibn Khalid, Max Creaser, Xzabier Weaver and Darby Shea; assistant coaches Paul Cote, Craig Jipson, Quinn Leary, Tim Mains and Elgin Physis; and head coach Mike Adams. We extend to all the members of the team our congratulations and best wishes;

(HLS 991)

Presented by Representative BICKFORD of Auburn.  
Cosponsored by Representative ESPLING of New Gloucester, Senator BRAKEY of Androscoggin, Representative MELARAGNO of Auburn, Representative SHEATS of Auburn.

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

**READ.**

The SPEAKER: The House will be in order. It's quite loud in here. The Chair will remind Members and people in the gallery to please keep conversations outside of the chamber.

The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, the Edward Little boys basketball team had what most of us would consider a storybook season, and storybook is the way I would describe the final game against Scarborough. With 44 seconds on the clock, they were only up three points. They got a two-pointer and proceeded to win, I believe the final score was by five points. I wasn't able to make the game, my son made it. I watched it on TV, and when they were down 13 to 7 in the early going, I was pretty nervous for them. And, having had children in sports when they were growing up, I can't imagine the parents' feelings and nervousness in the stands watching their boys play. It's the first gold ball for Edward Little, I believe since 1946, and it's just a true sentiment to the coaches and the drive that these young men have. Thank you, Madam Speaker.

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

Representative **KINNEY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just wanted to rise in congratulations. As a Red Eddie myself, I'm just -- I was so excited to see the games being played out this year, and want to extend my congratulations also to the Edward Little High School boys varsity basketball team, because in my tenure at Edward Little we didn't win these balls. This is great. Thank you.

---

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

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

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### REPORTS OF COMMITTEE

#### Refer to the Committee on Transportation

#### Pursuant to Resolve

Representative McLEAN for the **Joint Standing Committee on Transportation** on Resolve, To Provide Funding for a Pilot Project To Evaluate and Address the Transportation Needs of Maine's Veterans

(H.P. 1318) (L.D. 1886)

Reporting that it be **REFERRED** to the Committee on **TRANSPORTATION** pursuant to Resolve 2015, chapter 77, section 4.

The Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **TRANSPORTATION**. Sent for concurrence. **ORDERED SENT FORTHWITH.**

**Divided Reports**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Clear a Path to Employment"

(S.P. 403) (L.D. 1202)

Signed:

Senators:

- ROSEN of Hancock
- CYRWAY of Kennebec
- DIAMOND of Cumberland

Representatives:

- COREY of Windham
- GERRISH of Lebanon
- HERRICK of Paris
- LONGSTAFF of Waterville
- MAREAN of Hollis
- NADEAU of Winslow
- RECKITT of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-392)** on same Bill.

Signed:

Representatives:

- WARREN of Hallowell
- GROHMAN of Biddeford
- TALBOT ROSS of Portland

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

**READ.**

On motion of Representative WARREN of Hallowell, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Amend Certain Laws Governing Child Care Providers"

(S.P. 493) (L.D. 1423)

Signed:

Senator:

- CHIPMAN of Cumberland

Representatives:

- HYMANSON of York
- DENNO of Cumberland
- MADIGAN of Waterville
- McCREIGHT of Harpswell
- PARKER of South Berwick
- PERRY of Calais

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-398)** on same Bill.

Signed:

Senators:

- BRAKEY of Androscoggin
- HAMPER of Oxford

Representatives:

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

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

**READ.**

Representative HYMANSON of York 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: 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. 533**

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

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

ABSENT - Fredette, Grignon, Hamann, Sheats, Sherman.

Yes, 79; No, 67; Absent, 5; Excused, 0.

79 having voted in the affirmative and 67 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Remove the Requirement That Child Care Facility Workers and Family Child Care Providers Submit to Criminal Background Checks"

(H.P. 403) (L.D. 561)

Signed:

Senator:

- CHIPMAN of Cumberland

Representatives:

- HYMANSON of York
- CHACE of Durham
- DENNO of Cumberland
- MADIGAN of Waterville
- MALABY of Hancock
- McCREIGHT of Harpswell

PARKER of South Berwick  
PERRY of Calais

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-677)** on same Bill.

Signed:

Senators:

BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:

HEAD of Bethel  
SANDERSON of Chelsea

**READ.**

On motion of Representative HYMANSON of York, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Safeguard the Rights of Private Child Care Businesses" (H.P. 811) (L.D. 1148)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York  
DENNO of Cumberland  
MADIGAN of Waterville  
McCREIGHT of Harpswell  
PARKER of South Berwick  
PERRY of Calais

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Senators:

BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:

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

**READ.**

Representative HYMANSON of York 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**: 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. 534**

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

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

ABSENT - Fredette, Grignon, Hamann, Sherman.

Yes, 78; No, 69; Absent, 4; Excused, 0.

78 having voted in the affirmative and 69 voted in the negative, with 4 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Modify the Number of Retail Liquor Licenses Allowed in a Jurisdiction per Person" (S.P. 642) (L.D. 1743)

Signed:

Senators:

CARPENTER of Aroostook  
COLLINS of York

Representatives:

LUCHINI of Ellsworth  
CASÁS of Rockport  
DILLINGHAM of Oxford  
FARRIN of Norridgewock  
HANINGTON of Lincoln  
LONGSTAFF of Waterville  
MONAGHAN of Cape Elizabeth  
SCHNECK of Bangor  
WHITE of Washburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-382)** on same Bill.

Signed:

Senator:

MASON of Androscoggin

Representative:

HICKMAN of Winthrop

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-382)**.

**READ.**

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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 opposition to the pending motion. It has been said that this bill would create a carve-out for one business owner in the City of Portland. That is not true. Under current Maine law, the number of agency liquor store licenses that are allowed in a municipality is limited by that municipality's population. I can understand why some would want to limit licenses by local population. That said, the current schedule creates insurmountable barriers to entry for new businesses with a system that allows established businesses to gobble up all available licenses and prevent future competition.

A complete overhaul of this broken system is currently due, and perhaps in a longer session, we could tackle such an overhaul, but today we have an opportunity to make a very small and surgical change. Under current statute, the number of liquor licenses are allotted by population. On the lowest end, a municipality with a population less than 2,000 is permitted one liquor store. This ratchets up in increments as population grows, and caps out ten liquor stores in a municipality with a population greater than 45,000 people. That makes some sense for most municipalities across the state, as all but one have populations less than 45,000. As of 2016, however, Portland has a population just shy of 67,000, more than 20,000 above the current cap, but they are treated like a municipality with 45,000, allowed only ten licenses. One of those licenses happens to be on an island, Madam Speaker.

If Portland were split into twin cities, side by side with equal population, the same region would be allowed 18 licenses. If Portland split into four cities, the same region would be allowed 20 licenses. And to take this point to its furthest extreme, if Portland split into 33 municipalities of 2,000 people, the same region would be allowed 33 licenses. Why should a region have fewer liquor licenses simply because the people of that region live under a single municipal government?

While the releasing of additional licenses up to 23 for Portland may be merited, this legislation does not propose anything so drastic in this short session. Instead, the bill before us would simply continue the existing formula, adding one additional license for every 15,000 population above the 45. A municipality between a population of 45,001 and 60,000 would qualify for ten permits, and a municipality between a population of 60,000 and 75,000 would qualify for 11 permits, and so forth. Effectively, this would mean Portland today would only receive one more liquor license permit, a small, reasonable change for a short session like this one. But, most importantly, it would give at least one opportunity for a smaller, emerging business to compete on a fair playing field with the larger players. If the future -- in the future, the Maine Legislature had to tackle this broken system in a more comprehensive manner, we would welcome that. But, today, recognizing that not every city in this state has a population less than 45,000, I recommend that we vote this measure down so that we can consider the Minority Report. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Dillingham.

Representative **DILLINGHAM**: Thank you, Madam Speaker. I would have to respectfully disagree. There is already a process that is in place for those municipalities that have reached their threshold for their liquor licenses; and they can cite their population, they can cite part of the year they may have an increase in tourism activity, and they would go through to the -- to BABLO and apply for an extra license. That request has to come from the municipality, and during our public hearing we did hear many, many nice things about the individual that is seeking the additional license in the City of Portland.

Unfortunately, we heard very, very little about why the City of Portland would want this, and actually had no testimony from anybody that is representing, other than legislatively representing, the City of Portland. And, when I actually asked the Department if the city had come forward and requested an additional license or to seek an alternate avenue to get a different license, I was told that no, they had not reached out and contacted the Department or expressed any interest. I do view this as a carve-out, and do agree that if we are looking at having to overhaul the formula that's used, then that's really what this bill should have been about. That should've been the discussion that we had in public hearing, and instead it was just presented as a concept bill with very little substance. Thank you.

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

Representative **SIROCKI**: Thank you, Madam Speaker. I'm looking at the amendment, and I'm hoping to have some clarification which may result in a question posed through the Speaker.

The SPEAKER: The Representative may proceed with her question.

Representative **SIROCKI**: It appears that the formula that's currently in statute is silent after a population of 45,000 people is reached, and a maximum of ten agency liquor stores is allowed in current statute, and I'm wondering if someone could answer this question: if that is so, and does this amendment simply raise another level in which to apply, for populations between 45,000 and 60,000 to be able to apply for another agency liquor store license, thereby allowing 11 licenses in a certain city? Thank you.

The SPEAKER: The Representative from Scarborough, Representative Sirocki, has posed a question to anyone who might answer. The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Madam Speaker. The answer to that question is yes, this bill would allow for 11 agency store licenses in the City of Portland. And, again, I do not believe that this gives anyone an advantage. It allows for someone who might want this license an opportunity only to apply for it; and with that, Madam Speaker, I request a roll call.

The same Representative **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. 535**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Bryant, Campbell, Casas, Cebra, Chace, Corey, Craig, DeChant, Devin, Dillingham, Doore, Duchesne, Dunphy, Espling, Farrin, Fay, Foley, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Guerin, Haggan, Handy, Hanington, Hanley, Harvell, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan J, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Parry, Perkins, Perry, Pickett, Pierce J, Pouliot, Prescott, Reed, Schneck, Seavey, Simmons, Skolfield, Stanley, Stearns, Stewart, Tepler, Theriault, Timberlake, Tipping, Tucker, Tuell, Vachon, Wadsworth, Wallace, Ward, White, Wood, Zeigler.

NAY - Austin S, Bates, Brooks, Cardone, Chapman, Collings, Cooper, Daughtry, Denno, Farnsworth, Fecteau, Grignon, Grohman, Harlow, Harrington, Hickman, Johansen, Jorgensen, Kinney J, Kinney M, Lockman, Madigan C, Malaby, Marean, Martin J, Martin R, Mason, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Picchiotti, Pierce T, Reckitt, Riley, Rykerson, Sampson, Sanborn, Sanderson, Sheats, Sirocki, Spear, Stetkis, Strom, Sutton, Sylvester, Talbot Ross, Terry, Turner, Warren, Winsor, Madam Speaker.

ABSENT - Fredette, Hamann, Sherman.

Yes, 94; No, 54; Absent, 3; Excused, 0.

94 having voted in the affirmative and 54 voted in the negative, with 3 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-678)** on Bill "An Act To Protect Substance-exposed Infants"

(H.P. 746) (L.D. 1063)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York  
DENNO of Cumberland  
MADIGAN of Waterville  
MALABY of Hancock  
McCREIGHT of Harpswell  
PARKER of South Berwick  
PERRY of Calais

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

Signed:

Senators:

BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:

CHACE of Durham  
HEAD of Bethel  
SANDERSON of Chelsea

**READ.**

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

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-676)** on Bill "An Act To Ensure Sustainable Health Care Access in the Jackman Region" (EMERGENCY)

(H.P. 1216) (L.D. 1762)

Signed:

Senators:

CHIPMAN of Cumberland  
HAMPER of Oxford

Representatives:

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

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

Signed:

Senator:

BRAKEY of Androscoggin

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-676)** 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-676)** and sent for concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-680)** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials"

(H.P. 1263) (L.D. 1821)

Signed:

Senators:

KEIM of Oxford  
HILL of York  
WHITTEMORE of Somerset

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 Not to Pass** on same Bill.

Signed:

Representatives:

BRADSTREET of Vassalboro  
GUERIN of Glenburn  
JOHANSEN of Monticello

**READ.**

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

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

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

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

**ROLL CALL NO. 536**

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

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

ABSENT - Fredette, Hamann, Sherman.

Yes, 80; No, 68; Absent, 3; Excused, 0.

80 having voted in the affirmative and 68 voted in the negative, with 3 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-680)** 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-680)** 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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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Eliminate Inactive Boards and Commissions"

(H.P. 1286) (L.D. 1849)

Signed:

Senator:

DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair  
BEEBE-CENTER of Rockland  
BRYANT of Windham  
HOGAN of Old Orchard Beach  
MADIGAN of Rumford  
SPEAR of South Thomaston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-671)** on same Bill.

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

HARRINGTON of Sanford  
ORDWAY of Standish  
PICKETT of Dixfield

**READ.**

Representative MARTIN of Sinclair 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: 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. 537**

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

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

ABSENT - Fredette, Hamann, Sherman.

Yes, 82; No, 66; Absent, 3; Excused, 0.

82 having voted in the affirmative and 66 voted in the negative, with 3 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-685)** on Bill "An Act To Encourage New Major Investments in Shipbuilding Facilities and the Preservation of Jobs" (H.P. 1227) (L.D. 1781)

Signed:

Senators:

DOW of Lincoln  
CUSHING of Penobscot

Representatives:

TIPPING of Orono  
BICKFORD of Auburn  
GRANT of Gardiner  
HILLIARD of Belgrade  
POULIOT of Augusta  
STANLEY of Medway  
TEPLER of Topsham  
TERRY of Gorham  
WARD of Dedham

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

Signed:

Senator:

CHENETTE of York

Representative:

COOPER of Yarmouth

**READ.**

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

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

Representative **CHAPMAN**: Thank you, Madam Speaker, Friends and Colleagues of the House. We've heard that this \$45 million tax break, at the rate of \$3 million per year, provides a good investment for the people of the State of Maine. We've also heard that it is not an investment, because it doesn't provide a return on that investment. We've heard that this tax break would help the employment situation at the Bath Iron Works, which is owned by General Dynamics, and we've also heard that it will not affect the employment at Bath Iron Works. We've heard that this tax break will help capital improvements at the shipyard, and we've also heard that it will not help capital improvements at the shipyard. And, finally, we've heard that this tax break to General Dynamics will make the shipyard more competitive, and we've also heard that it will not make it more competitive. So, I say, Madam Speaker, we have two sets of stories which are mutually incompatible. Our job as Legislators is to determine which of these stories is false, since they both cannot be true. Fortunately, Madam Speaker, we have tools available to us to figure out which set of stories is false.

The SPEAKER: The Representative will defer. It must be spring fever or something, but I think as I look around the chamber, I notice that there are groups of people who are

speaking and probably don't realize that there are many groups of people who are speaking, which means it's very loud in here. It's really difficult to hear people speak. I know that every one of you wants to have the attention of fellow members when you speak and to not be interrupted, so I ask that you please refrain from conversations in the chamber. If I have to keep asking, I will have individuals individually asked to leave the chamber for their conversations. The Representative may proceed.

Representative **CHAPMAN**: Thank you, Madam Speaker. I was saying that we fortunately have the tools available to us to discern which set of stories is false, and that set of tools is called arithmetic. And, to illustrate that, I need to tell a very short story.

Madam Speaker, I drive a 19-year-old automobile, and in its own language it tells me that it's getting tired of driving back and forth to Augusta. So, I went to a new car dealership the other day, and was looking at a car when the salesperson came up to me and said, "You know, sir, for just a \$300 a month payment you can be driving that new car." And I said, "Well, you know, I'm a State Representative, and my salary averaged over the year is about \$1,000 a month, and so that new car payment represents about 30% of my salary." The way I figured that out, Madam Speaker, is I divided the \$300 per month payment by the \$1,000 a month salary, and then I multiplied by a hundred to express it as a percent. I'm going to do the same thing in just a moment, because the salesperson then said something very strange to me. He said, "Well, Representative Chapman," by that time the salesperson had seen the name tag on my coat, said, "Do you live in a town that has litter on the street, along the roadway?" I thought this a strange question, and I said, "Yeah, I suppose I see litter occasionally in my town." And the salesperson said, "Well, do you think you could find one returnable can or bottle every month along the side of the road?" And I acknowledged I probably could; and what did that have to do with a new car? The salesperson said, "Good news, Mr. Chapman, you can afford the new car." And I said, "Excuse me, but exactly how do you figure that?" And the salesperson said, "Well, you're a Legislator, and so you're considering the \$3 million-a-year tax break to General Dynamics, which is a \$31 billion-a-year revenue company, and so if you divide the \$3 million by the \$31 billion revenues you see that it represents about one-hundredth of one percent of their revenues represented by the tax break." And I'm pretty good with figures, so I acknowledged, yes, they had done the division correctly. And the salesperson said, "So, you see, one returnable bottle per month is a larger percentage of your monthly payment for the new car than the tax break for General Dynamics." And I had to admit that, yes, as a matter of fact, the 5-cent returnable fee from the bottle or can represented more than one-hundredth of one percent of the cost of the new car.

So, you see, by using arithmetic we see that the effect that the tax break for General Dynamics that we're considering here has as much effect on their employment decisions, their capital investments, and their competitiveness as one returnable bottle per month has on my ability to buy a new car. Now, it's a matter of opinion as to whether that makes a big difference or is negligible, but it raises another question, Madam Speaker. How is it that someone would tell us that such -- that one-hundredth of one percent of their revenues would make a difference? How is it possible that someone would come to that conclusion? And, again, I appeal to arithmetic. Newspapers reported a certain lobbyist was paid \$16,000 in a year, and if that lobbyist spent that entire \$16,000 lobbying

fees on this issue, and the return for that would be a \$45 million tax break, we can take the 16,000, divide by the 45 million, and find out that that's about four one-hundredths of one percent expenditure in order to get the tax break.

So that got me thinking, Madam Speaker. Maybe I could do the same thing. Now, I have a neighbor, and now the neighbor is elderly and on a fixed income and in poor health, but I could go to my neighbor and say, "Neighbor, please give me a hundred dollars," and the neighbor probably would invite me in and put on the coffee, and I might have to take an hour to try to explain why the neighbor should give me a hundred dollars. But then, you see, as a Legislator, when I figure out the hourly pay that I receive at, not counting constituent time and only when we're in session, it comes to about \$15 an hour. So, if I spend an hour with my neighbor talking him into giving me a hundred dollars, I would've spent \$15, or 15% of what I would get, and that doesn't seem like a very good payoff, especially since the neighbor would probably say no.

So, I thought about this and said well, what if I had the ability to be able to spend only a couple hundredths of one percent of time in getting a hundred dollars from my neighbor? I calculated that out, and it comes to -- if I could leave my home, run to the neighbors, get the hundred dollars, get back to my house, and do that in six seconds or less, then I would have spent in salary time about the same amount as in this case, and one sees that that would actually make a pretty good payoff. So, the real question is, would I -- if I had the ability to talk my neighbor into giving me a hundred dollars by spending six seconds, would I do that? And, of course, the answer is no, I wouldn't.

So, I pose the last question, which is: what is the difference between me and General Dynamics? After all, legally, we're both persons under the law. On the other hand, I'm a human person and I feel shame, and I would be ashamed to ask my neighbor for a hundred dollars even if I could do that in less than six seconds. General Dynamics is an institution. It feels no emotion.

So, in summary, Madam Speaker, we have a shameless request for one-hundredth of one percent of the operating revenues of General Dynamics to be paid through this tax break from the taxpayers of the State of Maine, that will have an effect on General Dynamics not as great as the effect of my finding one returnable bottle or can per month in order to buy a new car.

Now, in closing, Madam Speaker, I want to thank the elementary school teachers of our state, each and every one of them, for giving our children the tools that they will need as they grow into adulthood, to be able to separate fact from fiction. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Madam Speaker. I rise in support of the motion. I have the honor of representing the City of Bath, also known as the City of Ships, home of Morse High School Shipbuilders and Bath Middle School Destroyers.

Regardless if you are traveling north or south on Route 1, as you approach Bath you will undoubtedly be greeted by the blinking lights of crane number 11 that towers above our cityscape. I represent the City of Bath, where Bath Iron Works has been located since 1884, and where currently 477 of the 5,700 employees reside. These jobs are good-paying manufacturing jobs with good benefits. BIW is the largest employer in Bath by far and is the largest manufacturer in Maine.

Now for a little bit in perspective. Each year, BIW has a payroll of \$350 million. To break down that total employment, there are 3,600 people who work in manufacturing, 1,100 people in engineering, and the remaining workers are in support roles. There are BIW workers in all 16 counties in Maine. In Sagadahoc County, which is certainly the smallest county geographically, has 1,657 BIW employees. The next largest collection of BIW employees is in Androscoggin County, with 1,096 employees. Cumberland and Kennebec Counties are next with 926 and 920 employees, respectively. There are top -- the top 11 cities or towns with BIW employees are Bath, Brunswick, Lewiston, Topsham, Woolwich, Richmond, Wiscasset, Auburn, Bowdoin, Lisbon Falls, and West Bath. Besides the economic impact of payroll and employees, BIW purchases supplies and services for more than 300 Maine companies, that are located in 11 of Maine's counties. This is generating \$45 million in revenue, and it also should be noted that of the 45 million, 30 million of that goes to small businesses.

There is no denying, Madam Speaker, that BIW is a statewide economic driver. BIW is among large employers in Maine, such as IDEXX, L.L. Bean, Hannaford, that are headquartered in Maine.

Now, this has been a, really, a textbook example in the process of policymaking. Constituent approaches to put in a bill, bill is put in, bill is presented to the Committee, bill is amended, and then the Committee of jurisdiction, Taxation, does -- did a great job in really diving into the details and sorting out all of the different approaches, and really coming up with the best policy forward. But there are three aspects that I would like to highlight that were part of my journey. I met with leadership of three unions. I met with Local 6, Local 7, and the MBDA, and their suggestions are reflected in this bill. I met with opponents. Opponents who were willing to engage in civil discourse that wasn't based on diminishing each other's moral worth nor questioning good judgement. Civil discourse avoids hostility, direct antagonism, or excessive persuasion. It requires modesty and the appreciation in the other participant's experiences. Their feedback helped me frame the amendment that I introduced at the first work session, based on amount, duration, and transparency.

I also met with the office -- well, many hours with the Office of Program Evaluation and Accountability. The OPEGA director suggested improving reporting, evaluation, and transparency, that is better in line with the overall review of the variety of state tax incentives that has been long overdue. Now, this bill ensures employment, an employment level. Employees who -- employment level of employees who receive bonuses, have a good salary, and good benefits. Madam Speaker, 77% of BIW employees are represented through four unions. This bill engages in investment in facilities, improvements, and employee training. This tax incentive is largely based on the tax incentive last session that went under the hammer to benefit IDEXX.

Madam Speaker, you may not know this, but I grew up in an area with a strong industrial manufacturing factory, and maybe that is what attracted me to Bath ultimately. My friends in high school, at the time, were preparing to go and work at the mill like their fathers did, their grandfathers did, their aunts and uncles did, and when the economy turned against this industry, 55,000 jobs were lost. And I am telling you that it took nearly a generation to recover and redirect and rebuild those skills. The factory site is still abandoned. So, please don't tell me that it's too big to fail. Please don't tell me that BIW is guaranteed to be one of the two shipyards that the

Navy has to bid against each other. There are other shipyards, Madam Speaker, that are growing their capacity to compete.

I want to do everything in my power to protect all the men and women working in the shipbuilding jobs, and the families that they support. The shipbuilding industry supports a wide range of businesses all over the mid-coast and beyond. I want our young people to have the best possible chance to begin a manufacturing career with good pay, benefits, right here in Maine, especially as many of our older workers retire.

I would like to share an example of the correspondence that I received, that was not a template, but was a heartfelt, passionate excerpt from a person who has worked at BIW for 30 years, and I quote: "I came to BIW from northern Maine, more specifically the papermaking corridor of the Penobscot River. My stepfather retired from Great Northern in East Millinocket, and my father ran a small construction business in Millinocket. As you are aware, the entire papermaking industry along that river has vanished, and with it, many families and young people have moved away to find work. In that area, there is no longer the extra money to paint or repair the houses, nor do the municipalities have the funds to support summer kid programs, etc. So, we have seen what the lack of investment from both the corporations and the state can do to a once vibrant, prosperous region in our state. BIW is the smallest and least profitable contributor to General Dynamics. However, they have made significant investments in BIW since 1995, and want to continue that trend through its commitment of \$200 million as part of this important bill. This bill will positively impact BIW's overhead rates at the time when we are bidding for a ten- to 15-ship, multi-year procurement of the Arleigh Burke destroyers. In closing, I think you can read and feel the passion I have regarding the passage of this bill, and I have seen the devastation the loss of an industry can have on our people. We are proud Mainers and we can compete fair and hard to win these contracts, but all we ask is for it to be as fair as it can be."

Madam Speaker, I encourage the support of the pending motion, because as long as our country has a defense, and as long as that defense has ships, I want those ships built in Maine, because Bath built is best built.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I, too, support the pending motion. The bill that we have in front of us has been amended, and it requires \$100 million of investment by BIW. It's a nonrefundable credit. If BIW is in a Pine Tree zone and belongs to an ETIF, they are not eligible for the credit.

Madam Speaker, Androscoggin County has 1,096 employees at Bath Iron Works. I represent people in Androscoggin County. BIW is only one entity of General Dynamics. If I own six different franchises, and one franchise that I owned was not making an acceptable contribution to my bottom line, I'm going to have to think long and hard whether to keep that entity in my portfolio. General Dynamics is not what we're voting on today. BIW is just one portion of General Dynamics. It is not the company.

Ingalls Shipyard is the competition, direct competition for Bath Iron Works. Cities compete every single day to take business from other cities. States compete every single day to take business away from other states. Businesses do the same thing, nonprofits do the same thing. Ingalls Shipyard in Mississippi is -- there's a bond package right now that's going to give them \$45 million. In 2016, they received \$45 million. In

2015, they received \$20 million. In 2008, they received \$56 million, and in 2005, another \$56,000; 2004, \$40 million. This is what BIW competes with. What we are doing today doesn't even come close to what Mississippi does for Ingalls Shipyard. Ingalls Shipyard right now has \$21 billion in contracts. We need to compete with them.

BIW is one of the oldest -- one of the oldest set of workers. I mean, most of the workers are over 50 years old. My brother is a BIW employee and has been for 35 years. He's ready to retire. And the knowledge that these people take with them when they leave, there's a lot of training that has to be done to bring new, young people up to speed. These guys learned, a lot of them, on their own. They developed new techniques, and those are the things you just can't teach the new employees. The training that they're going to be doing... Please help me support this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I serve on the Taxation Committee, and I worked long and hard with other members of the Committee to make this the best bill that we could, adding incentives, standards, hallmarks of success and failures, so that we could be assured that, if it does become law, that Maine gets a decent return on its investment. Nevertheless, I oppose this motion, because I believe it is poor tax policy to give a tax incentive, which amounts to a bailout, for an entity that is not failing. We asked time and time again for BIW to give us the financials, in a confidential way, to prove that they were in some way at risk or, at best, not in a competitive position vis-à-vis the shipyard in Ingalls or the other shipyards that they purportedly compete with. They refused to do so.

We can't compete with Mississippi. It is true that they have given far more to their shipyard than we ever can, but let me remind you of something. Mississippi has the worst public education system in the country. Its infrastructure is among the worst in the country. This is their priority. They do not spend their money on people. We in Maine have different priorities. Now, \$45 million may not be very much to General Dynamics or even to BIW, but it is a lot in Maine. It can do a lot of good things in Maine.

Now, I don't oppose this bill because I have anything against BIW. I absolutely agree that it is the gold standard for shipbuilding the large class of ships that are produced there. It does excellent work, it does excellent work in training its employees. They pay well, they give good benefits, it's a great place to work. But do they need our money to keep going? We have heard that there are contracts that are continuing to come in, that this is not the situation it was 20 years ago when they first asked for state tax incentive support, when they were indeed in trouble. This is not the same situation. Many companies in Maine would love to get a tax incentive, many large companies that the same could be said as has been said about BIW: that they pay well, that these are good jobs, that we would -- our economy would suffer if they went under. But they're not asking for tax incentives in this manner. They are not.

A few years ago, I worked for the congressman at that time to prevent the closure of the Portsmouth Naval Shipyard. As you know, they modify and overhaul submarines there. The BRAC commission, the entity that decides which bases will be closed, had Portsmouth on its list. They were to be closed unless the BRAC commission decided otherwise. The commission came up to Portsmouth and took a good hard look at what they were doing there. They concluded that

Portsmouth should stay open, not because they were the cheapest, not because they underbid the other shipyards that were doing the same kind of work, but because they were doing the best job of anywhere in the country. And that's true of BIW, too.

Now, BIW is one of only two shipyards in the country that is capable of building destroyers, frigates, and other large ships. There are other smaller shipyards that build smaller ships, but only BIW and Ingalls can do this kind of work. The Pentagon knows that it puts national security at great risk to limit our capability to one shipyard. We know that from terrible experience, when hurricane after hurricane hit the Gulf Coast and put Ingalls out of business for several months. If BIW wasn't open, we would have had no shipyards working. So, we have -- the Pentagon, when it's awarding its contracts -- and there will be more and more contracts because an enormous amount of money has been put into the defense budget -- when they award these contracts, they have to be mindful that they have to do it in such a way that it keeps Bath viable. That is a given.

So, I am not an enemy of BIW, not at all. I think it's a wonderful place to work. I've known workers who have been there and have told me of the joy that they had in working there, the pride that they took in their work, but this is the taxpayer money of Mainers across the state, not just the workers who are there, all 5,000 or so of them. I have constituents that work there, and they have asked me to support this bill, but I have to think of all my constituents, and I have to think of the implications for the entire state. So, when you cast your vote, remember, this is a lot of money for Maine; and they have not made a case other than fear that BIW will somehow be crippled if we don't give them this paltry sum, by their standards, that they will be crippled and possibly closed. That is simply not a case that has been made, and it is not enough to support my vote. I urge you to vote no.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this bill. I've been on the Taxation Committee now for two Legislatures and I've learned a lot. And there are three brief issues I'd like to address that are about some of the things that I've learned.

When it comes to the way that certain kinds of corporations function, and the way that levels of government function, I have learned that in the awarding of contracts, for example, our state, if it's dealing with a municipality, prefers that municipality to have skin in the game. And there's no question that when the Federal Government looks at awarding contracts to entities within a state, it looks to see if that state has skin in the game. In this case, we have to have some skin in the game in order for BIW to be awarded more federal contracts. I don't think it's as simple as just because they're there, they're going to get the contracts. I believe that our state's having skin in the game makes a difference in contract awards. I also know that the shipyard in Bath is one of the last union shipyards in our country, and it matters to me that we support the union workers and the union jobs at BIW. Thirdly, I feel that the narrative of opportunity cost that goes with this bill is a false narrative. We have not, as a Democratic caucus, been able to get done many of the things we wished to get done over the last two sessions while I've been here. But that does not mean that we haven't tried to get them done. And I'm not sure that saying that a particular expense that our state might choose to make makes a difference in whether or not we support those other

opportunities. So, with that, thank you very much, and I hope you'll follow my light and support this bill.

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

Representative **HARLOW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, we do hear the word 'priority' in this chamber an awful lot, and we also hear that we cannot afford to do certain things an awful lot. And here we're sitting with a bill before us that gives a large break to a very successful corporation, and it appears that we're likely to pass this, and it's akin to corporate welfare, when we oftentimes say that we cannot help the neediest in our state; and I'm in opposition to this, and I also have a clarifying question.

The SPEAKER: The Representative may proceed.

Representative **HARLOW**: Thank you, Madam Speaker. So, there's been some confusion around whether or not the unions support this bill or not, and so I was wondering if anybody could actually answer the question for that for me. Thank you.

The SPEAKER: The Representative from Portland, Representative Harlow, has posed a question to anyone who might be able to answer. The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, you people are probably wondering why a person from Medway, who lives 150 miles from here, is really concerned about this. And I'm going to tell you why I'm concerned about it: because I believe in Maine. I believe in the people of Maine. And one of the things that I have to relate on this, and bear with me for a few minutes, but a little history. And that history goes back to where I come from, the Katahdin area, the Millinocket area.

Over 30 years ago, a gentleman by the name of Bob Bartlett, who was president of Great Northern Paper Company at the time, called all the workers in, there was 4,800 of us at the time. He met with all the workers in the mill and in the woodlands and both mills, and he talked about things were going to change. Great Northern was going to change. And two years later, it did change. Georgia Pacific bought us and woodland, they sold 2 million acres of the woodlands away, and they laid off a thousand people out of the woodlands department. Then along come Bowater, after Georgia Pacific promised so many investments that it's going to put into the mill and make it a better place. And what happened is, no investment, and along comes Bowater. Bowater says well, we're going to buy you and, well, what they did, they did invest. They put in a recycle plant. The reason why they put a recycle plant in, because in order to sell paper at that time, you had to have so much of a percentage of your paper recycled, and at the time the only way they could really do it was put a recycling plant in, and that's what they did. But they got tired of it, didn't want to put more money into us, and they left. Then along comes the guy named Bernard from Canada. He came in, bought us, and what did he do? Sold off our assets of \$150 million for the dam, electricity, with no investment, didn't want to put no investment in it. And then along comes Brookfield, who bought us after Bernard went bankrupt, and they came in and they let us be managed by Madawaska, and we were under Madawaska control there for three or four years, and no investments. Then along come an outfit called Cate Street, after we shut down again, started back up, then along comes an outfit named Cate Street. They came in and took everything they could take away from us, and you know the history of that, that's why I'm an unemployed worker.

And one of the things I want to stress here is, what happened is lack of investments. Investment is a key for any business. In order to operate, the people have to put money back into the business, and this BIW bill is an awful good opportunity for investment to happen in BIW.

Let's go back 20 years ago. BIW was here before, and I was sitting in a seat here at that time, and they wanted a break and we gave it to them so they could put a dry dock in, and by putting that dry dock in, I believe that basically made BIW a lot stronger company, and that's why they are where there are today.

But the reason I'd really like to speak about, though, is Millinocket 30 years ago was the start of the downturn in Millinocket. And that happened because of no investments. And you had the naysayers saying that, "Well, Great Northern, a big outfit, they'll always run." Well, I'll tell you what, look at them 30 years now, they're not running no more; 4,800 people are unemployed from over 30 years. And what it did, it took your youth. You ought to go to Millinocket now and look at the youth, very few youth. Because I am a third generation that worked in a paper mill, and I walked out of high school and went to work in a paper mill, and that don't happen very often anymore; and I'm one of the few people can probably say I worked 43 years in the same job, which most people can't say, a lot of people are changing jobs. And one of the things you've got to realize is, 55 -- 5,000 employees, that's a lot of employees. Multiply that times \$50,000, what these people make, and spread it out through the area that you have in this particular area here, from Portland to Augusta to Lewiston-Auburn, and other surrounding towns. That's quite an investment that these communities, the businesses in these communities are receiving from these employees. And the other thing you want to look at is benefit; healthcare, healthcare that's provided by this company to the employees and to the families. And that's very important, because when you stop and look at it, look across the road here three or four miles, look at the big hospital there, look at the big one in Portland, and look around, that is being paid by these people that are working every day.

Five thousand people is a lot of people, and you put a lot of families on that and you multiply that times three, 15,000 people. And, you know, and one thing you've got to really realize is, this is an investment in Maine. And when I say that, I mean, we're getting old. The workforce there is getting old. I'm getting old, we're all getting old. And what's going to happen is by 5,000, putting them at a level of 5,000 employees for the next 20 years, that means that your youth, your sons, your daughters, your brothers, your sisters, your nephews, your nieces, your grandchildren, or somebody is going to go to work at Bath Iron Works that you know. And they're going to make \$50,000 a year, by then, 20 years, they'll be making more, and they're going to have health insurance benefits and they're going to add that up. And the other thing you want to realize is, and I'll use Millinocket: you take the house valued at \$150,000 that, when this really started -- the mill started going down and everything started deteriorating, people were selling their houses for \$30,000. This could happen here just as easy, and don't think it is, because like I said, I had naysayers back then when Bob Bartlett make his big announcement, saying ah, nothing can happen. Well, I'll tell you what, 20 years is a long time. A lot of things, changes happen in 20 years. And by having things happen in 20 years, you cannot foretell the future, and if we all had hindsight that we could tell the future, hey, piece of cake. But the problem is, we don't have that ability. But the ability that we do have is doing the right thing,

and the right thing is investing in our people and at the places where they work, because I'll tell you what, if you don't have a job, you're not bringing much money in. When you have a job, you're bringing in for buying for your family, and that's the key here.

Everybody in this room wants their constituents to be able to buy for their families. That's the name of the game. Because what we have to do as a state is provide the legal obligations that we can do this, and making investments that we have to do. And that's why I'm really -- I'm on the Ought to Pass Report on this, and the reason basically is: investments. Just stop and think what would've happened if we as a legislative body would've, years ago, did something to invest in the paper industry. We'd have 10,000 more people working; and the other side of the matter, you wouldn't have five paper mills down in five towns for five reasons looking at trying to rebuild and trying to restart their lives again. And, I'll tell you what, try to restart your life, and most of these people are 50, 55, 60 years old, try to restart your life, it's not an easy thing to do.

And so, we as a state have an obligation, and that obligation is to do what's best for the people, and I understand where the other side is coming from, but I also understand that 5,000 people making \$50,000 for 20 years, that's quite a good investment. And I'll tell you what, we are in this for the people, this is about people. That's the name of the game. With that, I'm going to sit down, and I hope everybody supports this Ought to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Madam Speaker. I rise to respond to the question posed by the Representative from Portland about union support. I learned today that the unions are basically split half and half. The largest union has taken no position, or at least has not come out in favor of this bill. Other unions are lobbying for the bill. So, there is no consensus. Thank you.

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

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

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

Representative **TIPPING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I will be quick. A lot has been said about this bill already. I could talk about jobs, but I try not to follow the Representative from Medway in a speech about jobs. I want to stand today to say I respect the words from the Representatives from Brooksville, Yarmouth, and Portland. I share a lot of the same concerns. But there's another part of this bill that I want to talk about, and that's the message we're sending with this bill for people in the future who come to the Taxation Committee wanting to see new tax expenditures.

In this bill, the Taxation Committee worked to get tighter controls on job numbers, tagging the amount the company can get directly to the amount of jobs that they keep here in the state, with a system of rewards and punishment. There's more clarification that the jobs must be above average, and that they must be located here in the state. We struck refundability and carry forwards, which had been in previous tax expenditure legislation. We have a stronger review process from OPEGA than any bill I've seen come before the Tax Committee, with more waivers of confidentiality. We have stricter controls on

transferability, and we've made the recipient of this credit ineligible for other credits, which could possibly actually equal the amount of this credit or go beyond it. We also worked to reduce the life and the total amount of the credit in the Committee.

I'm not standing up to influence anyone in this chamber one way or the other. There's been a tremendous amount of grassroots outpouring. I'm sure people have seen Darth Vader in the hallways, and we all have received hundreds of emails, probably, about this bill. There are people's livelihoods tied up in this, there are people's long-term views about how government should run, and I just want to say I respect anyone's vote today, whether they pursue this or not; but I do just want to stand up and thank both sides of the aisle from the Tax Committee for the good work they put in on trying to build a better policy for future Legislators to follow. So, thank you, Madam Speaker.

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

**ROLL CALL NO. 538**

YEA - Alley, Austin B, Austin S, Bates, Battle, Berry, Bickford, Black, Bradstreet, Brooks, Bryant, Campbell, Cardone, Cebra, Chace, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Doore, Duchesne, Dunphy, Espling, Farrin, Fay, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Nadeau, O'Connor, Ordway, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Riley, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Strom, Sutton, Tepler, Terry, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, Winsor, Wood, Madam Speaker.

NAY - Ackley, Babbidge, Bailey, Beebe-Center, Blume, Casas, Chapman, Collings, Cooper, Farnsworth, Fecteau, Handy, Harlow, Herbig, Hickman, Higgins, Johansen, Kumiega, Melaragno, Monaghan, Moonen, O'Neil, Parker, Reckitt, Rykerson, Spear, Stewart, Sylvester, Talbot Ross, White, Zeigler.

ABSENT - Hamann, Sherman, Theriault.

Yes, 117; No, 31; Absent, 3; Excused, 0.

117 having voted in the affirmative and 31 voted in the negative, with 3 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-685) 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-685)** and sent for concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-682)** on Bill "An Act To Provide Revenue To Fix and Rebuild Maine's Infrastructure"

(H.P. 812) (L.D. 1149)

Signed:

Senators:

MIRAMANT of Knox

ROSEN of Hancock

Representatives:

McLEAN of Gorham

AUSTIN of Skowhegan

BRYANT of Windham

GRANT of Gardiner

SCHNECK of Bangor

SHEATS of Auburn

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

Signed:

Senator:

COLLINS of York

Representatives:

GILLWAY of Searsport

PARRY of Arundel

PERKINS of Oakland

**READ.**

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-683)** on Bill "An Act To Amend the Laws Governing Elections"

(H.P. 1206) (L.D. 1726)

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

LUCHINI of Ellsworth

CASÁS of Rockport

HICKMAN of Winthrop

LONGSTAFF of Waterville

MONAGHAN of Cape Elizabeth

SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-684)** on same Bill.

Signed:

Senators:

MASON of Androscoggin

COLLINS of York

Representatives:

DILLINGHAM of Oxford

FARRIN of Norridgewock

HANINGTON of Lincoln

WHITE of Washburn

**READ.**

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

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 125) (L.D. 384) Bill "An Act To Strengthen Maine Children's Mental Health" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-397)**

(S.P. 557) (L.D. 1584) Bill "An Act To Expand the Local Foods Economy by Promoting Local Foods Procurement" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-391)**

(S.P. 619) (L.D. 1683) Bill "An Act To Amend the Registered Maine Guide Background Check Requirement" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-396)**

(H.P. 132) (L.D. 176) Bill "An Act To Amend the Laws Pertaining to Disability Retirement Benefits Administered by the Maine Public Employees Retirement System" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-681)**

(H.P. 203) (L.D. 270) Bill "An Act To Consolidate Administration of Kinship Care and Relative Placement Issues within the Department of Health and Human Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-673)**

(H.P. 1146) (L.D. 1661) Resolve, Regarding Legislative Review of Portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-675)**

(H.P. 1185) (L.D. 1705) Bill "An Act To Strengthen Crime Victims' Rights" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-668)**

(H.P. 1194) (L.D. 1714) Bill "An Act To Clarify Liability Pertaining to the Collection of Debts of MaineCare Providers by the Department of Health and Human Services" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-674)**

(H.P. 1207) (L.D. 1755) Bill "An Act To Provide a Sales Tax Exemption for Nonprofit Heating Assistance Organizations" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-679)**

(H.P. 1242) (L.D. 1797) Resolve, Regarding Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-670)**

(H.P. 1267) (L.D. 1825) Bill "An Act To Implement the Recommendations of the Board of Dental Practice" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-669)**

(H.P. 1287) (L.D. 1850) Bill "An Act To Reorganize the Bureau of General Services in the Department of Administrative and Financial Services" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-672)**

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

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

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**ENACTORS**

**Emergency Measure**

An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission

(H.P. 1239) (L.D. 1795)

(C. "A" H-650)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act To Transfer Funds within the Department of Inland Fisheries and Wildlife

(H.P. 1277) (L.D. 1835)

(C. "A" H-647)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 28: Advanced Deposit Wagering, a Major Substantive Rule of the Gambling Control Board

(H.P. 1248) (L.D. 1803)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Ensure the Availability of In-person Visitation in County Jails

(H.P. 972) (L.D. 1414)  
(C. "A" H-618)

An Act To Reduce the Cost of Care Resulting from Blood-borne Infectious Diseases

(H.P. 1187) (L.D. 1707)  
(C. "A" H-604; H. "A" H-648)

An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking

(S.P. 639) (L.D. 1740)  
(C. "A" S-385)

An Act To Ensure That Low-income Residents of the State Have Access to Telephone Services

(S.P. 645) (L.D. 1746)  
(C. "A" S-390)

An Act Regarding the Victims' Compensation Fund

(S.P. 650) (L.D. 1751)  
(C. "A" S-386)

An Act To Improve Marketing Efficiency in the Harness Racing Industry by Requiring Its Promotion by the State Harness Racing Commission and by Repealing the Harness Racing Promotional Board

(H.P. 1220) (L.D. 1766)  
(C. "A" H-652)

An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists

(S.P. 695) (L.D. 1842)  
(C. "A" S-387)

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.

**Resolves**

Resolve, To Establish the Commission on Autonomous Vehicles and To Allow the Testing, Demonstration and Deployment of Automated Driving Systems

(H.P. 1204) (L.D. 1724)  
(C. "A" H-649)

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

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 22, 2018, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-599)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Help Prevent Financial Elder Abuse"

(H.P. 681) (L.D. 968)

TABLED - February 22, 2018 (Till Later Today) by Representative LAWRENCE of Eliot.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-599)** 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-599)** and sent for concurrence.

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

An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances

(H.P. 1043) (L.D. 1519)  
(C. "A" H-611)

TABLED - March 20, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Fund the Downeast Correctional Facility (EMERGENCY)

(H.P. 1184) (L.D. 1704)  
(C. "A" H-593)

- In House, **FAILED OF PASSAGE TO BE ENACTED** on March 15, 2018.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593) AND SENATE AMENDMENT "A" (S-393)** in **NON-CONCURRENCE.**

TABLED - March 22, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **FURTHER CONSIDERATION.**

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

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

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

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is an interesting bill. It certainly has gained a lot of attention. And so, I happened to have the opportunity last week to go down to Washington County, where I was from, and visit a number of the facilities down in Washington County, including the University of Maine, Machias, the local sheriff, the local hospital. I spoke to some of the folks that were working at the Downeast Correctional Facility. And it certainly is an eye-opening opportunity when you have the chance to get to visit to some of our more rural counties in the state. The bottom line is, is our rural counties are substantially different than some of our more urban counties, particularly in the southern part of the state where the economy is much more robust, economic opportunities are far more plentiful, and where the interconnectedness between various institutions is, to some extent, less.

A couple of things that I learned while I was down in Washington County was that the correctional facility is an integrated part of the community, an integrated part of the county. I talked to some of the employers that hire some of the people that are at the prerelease center, waiting to be released, who work for different employers, and many of them

talked about positive things in terms of having the availability of some of these folks. I went to the Machias Hospital, which I thought was very interesting. Some people may not know this, but the Machias Hospital was in receivership about eight years ago, which meant it wasn't basically economically viable. Since that time, they've dug out of that very bad financial position, and then today they are not any longer in receivership. They did a capital campaign for \$1.5 million, did some work on their emergency room. One of the things you may not know is that the Calais Regional Hospital no longer has the capability of delivering children, and so now the only facility that you have in Washington County where you can actually deliver a child is in Machias. So that is an important part of the fabric and the infrastructure in Washington County. And while I was touring down there, it was told to me that the people that currently have health insurance through their employment at the correctional facility use that facility to the tune of about \$500,000 a year. So, certainly, the loss of \$500,000 to a hospital in that area is fairly significant. So, I think it's another thing to consider in this process.

And I continue to learn more and more about this, some pros and some cons. For example, I am aware that this body, in the 127th Legislature, passed a Government Facilities Authority bond, which authorized, in part, a facility owned by the Department of Corrections in Washington County. That was LD 1447, passed in the 127th Maine Legislature, and it was part of a \$149 million bond. Now, that facility has not come to fruition at this point, and I know with interest that we have passed out of Legislative Council, LD 1841, which is an Act To Authorize a Pre-Release Facility in Washington County. Now, I was doing my due diligence on this bill and I found that this bill is still stuck in Committee. Two weeks before the end of session, we don't have, at least to my understanding, and certainly someone else from the committee can speak after me and maybe update us, but I don't see any action on that bill before this body. And I just had a conversation with the Chief Executive, indicating to me his desire to move forward with a --

The SPEAKER: The Representative will defer. It is one thing to refer to the Chief Executive during debate, but to use the Chief Executive to influence the debate is not allowed.

The Chair reminded Representative FREDETTE of Newport that it is inappropriate to refer to the potential action of the office of the executive or the other body in order to influence the vote of the House.

The SPEAKER: The Representative may proceed.

Representative FREDETTE: And so it's my understanding that the Legislature and the Chief Executive have indicated a willingness to go forward with a new pre-release facility in Washington County. And I think the reality is, there is an interconnectedness between these two issues. While we may have separate bills, they are interconnected. And so my intent is, at this point in time, to not vote in favor of this bill as it currently sets today, to travel again down to Washington County to get more information, but to more importantly be able to allow this body to allow leadership to move forward with this other bill, which at this point in time doesn't seem to have any action on it. And I believe that it's important for this body to have a good, clear understanding of what that issue is going to be.

And so I would implore the leadership and the Committee to continue to work on that issue, so that we can have a clearer picture, because at the end of the day, what we want to look at is: what's the strategy? We don't want to look at this in a silo. We've got the Downeast Correctional Facility here, we have a pre-release facility here, we have Windham going on down

here. We as Legislators have an obligation to look at what's the larger strategy for the State of Maine. What's the strategy for Washington County? And so I am going to withhold my support for a bill until I have a better understanding of what that strategy is, and how these separate bills interconnect in what we're actually voting on. And so I look forward to the opportunity to go back downeast to continue to learn more, and I look forward to the opportunity for this body to get more information, and again I would urge our members on the Committee, on the Criminal Justice Committee, to bring forward more information on LD 1841.

So, at this point in time, I will reluctantly vote against this bill, only in hopes of having the ability to get a more full picture of what the legislative plan is, and what the executive plan is, for a facility in Washington County. Thank you, Madam Speaker.

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

Representative PERRY: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Let me show you -- let me at least tell you what my plan is. When I look at these two bills, the Downeast Correctional Facility is actually working as a pre-release program. They have the programs, they have the people who are doing the work, and they have the prisoners who are also able to work within the community. We want to keep this facility open, and the reason we want to keep this open is, we don't want to lose the work that's being done, so that when a pre-release facility does open that we've got the program in place to continue forward. This bill requests only another year of funding, with a study. We want to have the pre-release facility built, but let's not destroy a program that's working while the other facility is being built; and that's why we're asking for another year's funding with a program that is working, so that we have the personnel and the people in place to maintain that program once the other facility is built. Those two bills do go together. Thank you.

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

Representative TUELL: Thank you, Madam Speaker. I rise in support of the motion ahead of us, in front of us today. I know this has been a long and winding road, and many of us have gotten a few more gray hairs along the way. I certainly appreciate some of the things the Representative from Newport said about Washington County and coming down. I know the rumor mill around this building is that the Downeast Correctional Facility is held together with a piece of tape, and I guess what I would say to the rumors, it's easy for people to buy into rumors who have never been there. And I know there are people that have been there that have a difference of opinion on what the facility is. But I would ask people refrain from rumors and assumptions who have never set foot, never set foot on the property in question. Never have seen it, never have seen it operational. I know there's some -- there's a few barriers in the way of people actually getting to see the facility. I know people get letters in their mailboxes when they don't even ask for information, but information is asked for on their behalf. So I know it's hard for people to see and discern what the truth is. But I also know that there is -- there's a belief, that there's a point of view that... who is the author of confusion? And I go back to that. I mean, the author of confusion is certainly not someone we would want to emulate. Those of you who are Christians, like, I know that well enough, that the author of confusion loves to work and twist and scheme and maneuver and plot, and all this, that, and the other. And I think there's a lot of that going on these days.

What we have before us is a bill to fund Downeast Correctional Facility. If this bill should pass here today, it is our intention, certainly my intention, I won't speak for others or other bodies, it's the intention for this to go to Appropriations and let them, as other members in this body have said before, let them hash out the funding, and what level of funding, and where and how. I know there's -- that's the intention. There is another thought -- line of thought that well, we've got two or three bills here and, you know, what are we ever going to do with two of these two or three bills, what if they go against each other, and how are we going to deal with them all? And I guess I would say that if -- if two or three bills, there are three, actually, the Representative from Beals has one also, on other aspects of this, if these bills should happen to go to Appropriations, I trust that when a final budget package is ironed out at the end of session, that between them we ought to be able to have a solution here. And that's not -- that to me isn't complicated, it isn't confusing, and that's certainly our intention, is to get this bill before us today to Appropriations and let them sort out the funding.

There's some debate whether we need five and a half million. I honestly don't know whether we do or we don't, that was the note that the OF -- Office of Financial -- OFPR put on it, so if that needs to be adjusted in some way -- what I do know is the people back in Washington County have been following this from day one, have been supportive of this facility, supportive of this prison, supportive of the jobs it creates and the programs it offers, supportive time and time again. There's many here in the audience today who gave of their day just to come down here and listen and hear what we did. So I would hope that the votes are here to get this -- to pass this today and to send this to Appropriations, where the bigger picture can be looked at and we can work out a solution.

I would say for this bill, some have said well, this is just a Band-Aid, it's a short-term solution. It is a -- it's an option for the Department, and even the next administration if things aren't done in time, to come up with a real plan for a real pre-release facility, not maybe 20 beds, not maybe 30 beds, not this, that, and the other. This is a pathway forward. It's an option. It's an option that we have, that we can pass and move along, and have confidence that next year, whoever's lucky enough to be here can settle this, so that we're not doing this every single year. We can't keep doing this. I don't want to be standing here talking about the prison for the next -- the rest of my life, whether it's -- I don't want to be doing that. We've got much more that we could be doing for Washington County, much more that we could be doing in this body. And I just think it's time that we move this to Appropriations and hash it out with the final budget process. Thank you, Madam Speaker.

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

Representative **RECKITT**: Madam Speaker, Members of the House, I stand before you as one of the members from the southern part of the state who has, in fact, set foot in the prison. And I did that because I'm on the Criminal Justice Committee, and I felt it a responsibility to see the facility that we were having so much debate about. And what I saw up there said to me if, indeed, the 127th said we should have a pre-release center, gee, we seem to have one right now. And if we want a new one, that would be swell, but let's figure it out first before we close the one we've got. And I continue to feel that way.

These are hardworking people. This county needs the money, it needs the jobs, and if we set up a new system,

terrific, I'm happy for it, as long as it's big enough. But I think that it's really important that we move forward today, because, frankly, it's not just us that are tired of talking about this issue, it's the people of Washington County, and I think we owe it to them to give them some time as we figure out what should've been done probably two years ago. Thank you, Madam Speaker.

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

**ROLL CALL NO. 539**

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

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

ABSENT - Bates, Hamann, Sherman.

Yes, 95; No, 53; Absent, 3; Excused, 0.

95 having voted in the affirmative and 53 voted in the negative, with 3 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

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**CONSENT CALENDAR  
First Day**

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

(H.P. 207) (L.D. 274) Bill "An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "D" (H-686)**

(H.P. 1223) (L.D. 1774) Bill "An Act To Reduce Child Poverty by Leveraging Investments in Families for Tomorrow" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-687)**

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

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

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**SENATE PAPERS**

Bill "An Act To Create a Community Protection Order To Allow Courts To Prevent High-risk Individuals from Possessing Firearms"

(S.P. 719) (L.D. 1884)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

**REFERRED** to the Committee on **JUDICIARY** in concurrence.

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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 CHACE of Durham, the House adjourned at 1:37 p.m., until 10:00 a.m., Wednesday, March 28, 2018, in honor and lasting tribute to Sally W. Rand, of Freeport.