

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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
37th Legislative Day
Wednesday, April 18, 2018

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

Prayer by Reverend Kenneth I. Lewis, Green Memorial African Methodist Episcopal Zion Church, Portland.

National Anthem by Amy Peet, Norway.

Pledge of Allegiance.

Doctor of the day, Kenneth Christian, M.D., Holden.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Prohibit the Practice of Female Genital Mutilation of a Minor"

(S.P. 732) (L.D. 1904)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-446) AS AMENDED BY HOUSE AMENDMENT "C" (H-755) thereto AND SENATE AMENDMENT "A" (S-454) in the House on April 12, 2018.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-454) in NON-CONCURRENCE.**

Representative HERBIG of Belfast moved that the Bill be **TABLED** until later in today's session pending **FURTHER CONSIDERATION.**

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **FURTHER CONSIDERATION.**

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

The **SPEAKER:** A roll call has been ordered. The pending question before the House is to Table until later in today's session pending Further Consideration. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 611

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

NAY - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, 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, White, Winsor, Wood.

ABSENT - Frey, Grohman, Malaby, Sherman, Ward.

Yes, 76; No, 70; Absent, 5; Excused, 0.

76 having voted in the affirmative and 70 voted in the negative, with 5 being absent, and accordingly the Bill was **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Replace the Educational Opportunity Tax Credit with the Student Loan Repayment Credit for Maine Residents"

(H.P. 1057) (L.D. 1537)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-710) AND HOUSE AMENDMENT "A" (H-721) in the House on April 5, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-710) AS AMENDED BY SENATE AMENDMENT "A" (S-478) thereto AND HOUSE AMENDMENT "A" (H-721) in NON-CONCURRENCE.**

Representative HERBIG of Belfast moved that the Bill be **TABLED** until later in today's session pending **FURTHER CONSIDERATION.**

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **FURTHER CONSIDERATION.**

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

The **SPEAKER:** A roll call has been ordered. The pending question before the House is to Table until later in today's session pending Further Consideration. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 612

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, 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, White, Winsor, Wood.

ABSENT - Frey, Grohman, Malaby, Sherman, Ward.

Yes, 77; No, 69; Absent, 5; Excused, 0.

77 having voted in the affirmative and 69 voted in the negative, with 5 being absent, and accordingly the Bill was **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Resolve, To Implement Certain Recommendations of the Computer Science Education Task Force

(H.P. 1296) (L.D. 1861)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757) in the House on April 12, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757) AS AMENDED BY SENATE AMENDMENT "A" (S-475)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 509)

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

April 17, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1435, "An Act to Ensure Transparency in the Distribution of Federal Block Grant Funds."

The Executive Branch is committed to providing all federal block grant information that may be requested by the Legislature, and fully supports transparency regarding the distribution of federal funds. However, legislatively mandating burdensome reporting requirements, as well as allowing committees to circumvent the legislative process to reverse distributions or micromanage block grant funds for special interests, limits the necessary flexibility intended by Congress to accompany federal block grant funds. The responsibility of administering and allocating federal resources should remain an Executive Branch responsibility.

For these reasons, I return LD 1435 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Ensure Transparency in the Distribution of Federal Block Grant Funds

(H.P. 990) (L.D. 1435)

(C. "A" H-701)

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

Representative **JORGENSEN**: Thank you very much. Thank you, Madam Speaker, Men and Women of the House. Good morning.

I like reading the administration's veto letters, I always do. I find that I often agree with many of the arguments that are presented, and I even enjoy the occasional bits of humor that are often included. Those are good. But, in this case, however, I can't really agree with the assertion that what's being proposed in this bill amounts to micromanagement. The Department expressed concerns, we listened to them, and the bill has been amended in response, boiling all of this down to a

brief annual report with information that should be able to be generated at the press of a button.

To boil it down to its most basic components, we're talking about some simple information we're asking for with regard to our federal block grants. How much money did we have coming in last year? How much money do we plan to spend this year? How much money do we expect to have left over? And, finally, are we planning any major changes in how the funds are going to be used. That's the core of this bill. It doesn't give the Legislature veto or approval power over any expenditures. It's merely a neutral report. I don't think anyone can argue that this is anything other than a reasonable oversight provision which is, after all, what the Legislature's primary job is.

In a nutshell, here's why I think this matters. First, it helps assure that we have clear, once-annual communication between the Legislature and the Department. This information has not always been easy to get, and I've heard frustration from members on both sides of the aisle on the Committee, from members of the legislative staff, from our Committee, and others. These block grants amount to more than a hundred million dollars of taxpayer funds every year, and if the Federal Government's expressed interests in expanding block granting in the future proves correct, I don't think we're going to be -- we'll probably be having more of these, and I don't think it's asking too much to have a predictable, simple system of keeping tabs on how this money is being used.

Secondly, I just want to say that this is absolutely intended -- or, it's absolutely not intended as a comment on this administration or this DHHS. This doesn't go into effect until we have a different administration, and I really think that's important. And, finally, I just say this is a reflection of the fact that the state has, for decades now, relied, I think very effectively, on a system that designates social services to private organizations contracting with the state. Most of DHHS's work is now done by hundreds of private contractors, who do everything from providing visiting nurse services to brain surgery, and I think these organizations have a legitimate interest in being able to know how the state plans to use these funds as they develop their own work plans each year. So, again, I'm just going to conclude by saying this is a simple good government measure. I hope you'll all see it in the spirit in which it was presented. That's why it earned an 11-2 report out of Committee, that's why it passed here in this very room with a margin of 102-43 when it came to the floor, and that's why I hope you'll join me in voting green this morning. Thank you very much, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. In some aspects, I agree with the good Representative from Portland, Representative Jorgensen. However, I also see a threat here to our constitutional separation of powers, and therefore, I will be voting to sustain the veto and ask that you follow my light.

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

Representative **HYMANSON**: Thank you, Madam Speaker. We get nine block grants from the Federal Government, and I've been to enough meetings with the Federal Government to understand that we are thought of, the states are thought of as incubators of new policy. And, as incubators of new policy, we really need to find ways to work together with the Executive Branch and the Legislative Branch to create new policy. So, hearing from the Department how

they are spending the block grant so that we can understand how to move forward seems extremely reasonable, and really looking into the future as the Federal Government wants us to look into the future.

So, the people who develop these reports said that they really -- information that's already available. Nothing new has to be created. It can be printed out very easily for us to look at. Thank you, Madam Speaker.

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

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

ROLL CALL NO. 613V

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

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

ABSENT - Frey, Grohman, Sherman, Ward.

Yes, 86; No, 61; Absent, 4; Excused, 0.

86 having voted in the affirmative and 61 voted in the negative, with 4 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 510)

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

April 17, 2018

The 128th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1897, "An Act To Reinstate Certain Other Special Revenue Funds Allocations For the Maine Commission on Indigent Legal Services."

Unlike some states, Maine does not employ public defenders. Instead, the court appoints private attorneys for individuals below certain income thresholds in some circumstances, thus

fulfilling its obligation to provide legal counsel to these individuals. Appointed attorneys electronically submit bills to the Maine Commission on Indigent Legal Services (the "Commission") and the Commission then pays those attorneys. Nearly any attorney can fill out an application and begin getting paid \$60 an hour by the State. The Commission also pays for the cost of investigators and professional witnesses.

This structure, unlike a public defender program, can provide little oversight of appointed attorneys and cannot adequately control expenditures year over year. As a result, cost overruns in the program have required numerous supplemental budget allocations since the Commission's inception. In 2011, the Commission's budget was \$11 million. In just seven years, that figure has doubled to more than \$22 million. The situation is unsustainable.

The failure to improve our system for the provision of indigent legal services represents an abdication of responsibility on the part of the Legislature. Simply making available additional funding for this program will not provide better oversight or better quality of representation, nor will it control costs. Instead, the Legislature should establish public defenders' offices to put indigent Mainers on an even playing field with Maine's District Attorneys and to provide better oversight, uniform quality of representation and cost controls to the provision of legal services for the indigent.

For these reasons, I return LD 1897 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Reinstate Certain Other Special Revenue Funds Allocations for the Maine Commission on Indigent Legal Services

(H.P. 1330) (L.D. 1897)

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

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

ROLL CALL NO. 614V

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

NAY - Farrin, Grignon, Hanington, Johansen, Kinney J, Lockman, McElwee, Parry, Perkins, Pickett, Prescott, Reed, Sanderson, Sirocki, Stetkis, Strom, Sutton, Theriault, Turner.

ABSENT - Frey, Grohman, Sherman, Tepler, Ward.
Yes, 127; No, 19; Absent, 5; Excused, 0.

127 having voted in the affirmative and 19 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 511)

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

April 17, 2018
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under 5 MRSA, Part 30, Ch. 621, §24001, (3) (F), I have appointed Kathleen Perkins of Augusta to the Maine Children's Growth Council effective immediately. Please contact my office if you have any questions regarding this appointment.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

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

The Following Communication: (H.C. 506)

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

April 18, 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 April 13, 2018

Matthew G. Tice, Esq. of Scarborough 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.

The Following Communication: (H.C. 507)

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

April 18, 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 requests for "Leave to Withdraw" by the following sponsors:

Senator Breen of Cumberland

L.D. 672

An Act To Clarify a Municipality's Authority To Adopt and Enforce Land Use Regulations for Marijuana Facilities

Senator Jackson of Aroostook

L.D. 1499

An Act To Better Regulate Marijuana

Sincerely,

S/Robert B. Hunt

Clerk of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 995)

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

April 13, 2018

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 128th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Judiciary,

- Stephen D. Nelson, Esq. of Houlton for appointment as a District Court Judge;

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

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 996)

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

April 13, 2018

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 128th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs,

- Anne R. Devine of Portland for appointment to the Maine Maritime Academy, Board of Trustees;
- Brandon St. Germain of Ellsworth for appointment to the Maine Maritime Academy, Board of Trustees;
- Jaylee E. Rice of St. Albans for appointment to the State Board of Education;
- Dr. Fernande Desjardins of St. Agatha for appointment to the State Board of Education.

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 997)

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

April 13, 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 referred Bill "An Act To Establish Universal Home Care for Seniors and Persons with Disabilities" (I.B. 3) (L.D. 1864) to the Committee on Taxation in non-concurrence.

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

At this point, the Speaker recognized the Representative from the Passamaquoddy Tribe, Representative DANA, and he was added to the roll call of the Second Regular Session of the 128th Legislature.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Improve Access to Services for Adults with Serious and Persistent Mental Illness"

(H.P. 1350) (L.D. 1911)

Sponsored by Representative MALABY of Hancock.
(GOVERNOR'S BILL)

Committee on **HEALTH AND HUMAN SERVICES** suggested.

Representative HERBIG of Belfast moved that the Bill be **TABLED** until later in today's session pending **REFERENCE**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **REFERENCE**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending Reference. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 615

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

NAY - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Chapman, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, 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, White, Winsor, Wood.

ABSENT - Frey, Grohman, Malaby, Sherman, Ward.
Yes, 75; No, 71; Absent, 5; Excused, 0.

75 having voted in the affirmative and 71 voted in the negative, with 5 being absent, and accordingly the Bill was **TABLED** pending **REFERENCE** and later today assigned.

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

ORDERS

On motion of Representative FARNSWORTH of Portland, the following Joint Resolution: (H.P. 1348) (Cosponsored by Senator BREEN of Cumberland and Representatives: ALLEY of Beals, AUSTIN of Skowhegan, BAILEY of Saco, BATES of Westbrook, BROOKS of Lewiston, BRYANT of Windham, CASÁS of Rockport, COLLINGS of Portland, DENNO of Cumberland, DEVIN of Newcastle, DOORE of Augusta, FAY of Raymond, FECTEAU of Biddeford, GERRISH of Lebanon, Speaker GIDEON of Freeport, GOLDEN of Lewiston, GRANT of Gardiner, HANDY of Lewiston, HERBIG of Belfast, HICKMAN of Winthrop, HOGAN of Old Orchard Beach, JORGENSEN of Portland, KORNFIELD of Bangor, KUMIEGA of Deer Isle, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MADIGAN of Waterville, MARTIN of Sinclair, MASTRACCIO of Sanford, McCREA of Fort Fairfield, McCREIGHT of Harpswell, MONAGHAN of Cape Elizabeth, NADEAU of Winslow, O'NEIL of Saco, PARKER of South Berwick, PERRY of Calais, PIERCE of Falmouth, RECKITT of South Portland, RYKERSON of Kittery, SCHNECK of Bangor, SHEATS of Auburn, STANLEY of Medway, STEARNS of Guilford, TEPLER of Topsham, TERRY of Gorham, TIPPING of Orono, TUCKER of Brunswick, ZEIGLER of Montville, Senators: BELLOWES of Kennebec, CARPENTER of Aroostook, CARSON of Cumberland, CHENETTE of York, CHIPMAN of Cumberland, DESCHAMBAULT of York, DIAMOND of Cumberland, DILL of Penobscot, DION of Cumberland, GRATWICK of Penobscot, JACKSON of Aroostook, LIBBY of Androscoggin, MILLETT of Cumberland, MIRAMANT of Knox, VITELLI of Sagadahoc)

**JOINT RESOLUTION RECOGNIZING THE
WEEK OF THE YOUNG CHILD IN APRIL 2018**

WHEREAS, the Week of the Young Child is an annual celebration sponsored by the National Association for the Education of Young Children, the world's largest early childhood education association; and

WHEREAS, its Maine affiliate, the Maine Association for the Education of Young Children, has over 325 members, including teachers, leaders and parents of young children; and

WHEREAS, the purpose of the Week of the Young Child is to focus public attention on the needs of young children and their families and to recognize the early childhood programs and services that meet those needs; and

WHEREAS, the future of Maine depends on the quality of life we provide to Maine's young children today; and

WHEREAS, as parents, teachers, lawmakers and community leaders, it is our collective responsibility to ensure that special care and attention is given to young children to enable them to grow and mature into loving, capable, considerate and productive adults; 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 April 16-20, 2018 as the Week of the Young Child and to recognize and encourage efforts that foster the education and well-being of Maine's young children; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Association for the Education of Young Children.

READ.

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

Representative **FARNSWORTH**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I don't need to say it too often, and that is that young children are our future; and the necessity for us to take advantage of this opportunity to basically provide them with the kind of early learning experience so that they can become more productive and better citizens. We all know the studies that have been done about brain research and the impact for the zero-to-five population, and it's really neat to know -- have this kind of knowledge in our toolkit, but there comes a point where it's not -- it is strictly lip service to keep talking about this. We need to put our money where our mouth is, and that's what we need to do in the next session. Thank you very much.

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

Representative **HANDY**: Thank you, Madam Speaker and Members of the House. It's a great honor for me to point out that my seatmate, Representative Farnsworth, has received an award from the Maine NAEYC for his championing the causes of early childhood education. And Representative Farnsworth is right, we need to put our money where our mouth is. But, this is a gentleman who has not only put his money where his mouth is but put his commitment to young children for 40 years. Thank you, Madam Speaker.

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

On motion of Representative FARRIN of Norridgewock, the following Joint Resolution: (H.P. 1349) (Cosponsored by Senator WHITTEMORE of Somerset and Representatives: AUSTIN of Skowhegan, GRIGNON of Athens, HARVELL of Farmington, PICCHIOTTI of Fairfield, SKOLFIELD of Weld, STETKIS of Canaan, STROM of Pittsfield, Senator: DAVIS of Piscataquis)

**JOINT RESOLUTION, RECOGNIZING THE
SKOWHEGAN STATE FAIR ON ITS 200TH ANNIVERSARY**

WHEREAS, the Skowhegan State Fair is the nation's oldest consecutively running agricultural fair; and

WHEREAS, the fair was first organized in late 1818 by the Somerset Central Agricultural Society, with the first fair being held in January 1819; and

WHEREAS, one of the expressed purposes of the fair was to improve the breeding of livestock, with particular emphasis being placed upon the betterment of breeds of horses and cattle, an objective that has been continuously maintained by succeeding fair management; and

WHEREAS, the fair was officially designated the Skowhegan State Fair in 1942; and

WHEREAS, the present fairgrounds were acquired in 1856 and over the years the original boundaries were extended from time to time as additional acreage became available, with the latest expansion occurring in 2005; and

WHEREAS, the fair annually draws thousands of patrons from all over the United States and Canada; and

WHEREAS, exhibitors at the fair come from more than 100 towns and cities in Maine as well as from many other states, and over the years many popular performers have appeared on the fair's stage; and

WHEREAS, the fair has been kept alive and active by successive generations of dedicated men and women in the area; 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 commemorate the 200th anniversary of the Skowhegan State Fair and to recognize the devotion of its organizers in keeping the fair open for many generations; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the organizers of the Skowhegan State Fair.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative BERRY of Bowdoinham, the following Joint Order: (H.P. 1352)

ORDERED, the Senate concurring, that Bill, "An Act To Authorize the Public Utilities Commission To Determine the Amount of the E-9-1-1 Surcharge," S.P. 615, L.D. 1671, and all its accompanying papers, be recalled from the legislative files to the House.

READ.

The SPEAKER: The Clerk will defer. The Chair recognizes the representative from Newport, Representative Fredette, and inquires as to what his Point of Order is.

Representative **FREDETTE**: Thank you, Madam Speaker. I just want to make sure, item 4-3.

The SPEAKER: We have moved past item 4-3 because the member has chosen not to present the item. The House will be in order. To remind people where we are, we currently

have item 4-4 in front of us. We will be completing this item and then we will move to item 4-3 on the calendar.

Pursuant to Joint Rule 404, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**. 120 having voted in the affirmative and 0 in the negative, 120 being more than two-thirds of the membership present, the Joint Order was **PASSED** and sent for concurrence.

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

On motion of Representative **TIMBERLAKE** of Turner, the following Joint Order: (H.P. 1351)

ORDERED, the Senate concurring, that Bill, "Resolve, To Establish a Task Force To Examine Agricultural Issues," S.P. 646, L.D. 1747, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ.

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

Representative **TIMBERLAKE**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. This was a bill that was put out by the Ag Committee, and there was an amendment put on it in the House that my seatmate, Representative Black, didn't realize it got put on, I didn't realize it got put on. I never really liked the bill in the first place, but I was willing to let it go, and it had an amendment that moved that the Speaker and the President would be appointing the task force. I felt it should stay within the Department and the Commissioner of Ag should be appointing the task force. So, I've asked for it to be brought back so that we could fix the small fix that needs to be made that was passed out of Committee and move this forward, and I think if we do this, we can create the task force and get it done. If we don't, there is a possibility that we not end up in a good place, and that's all I can say, Madam Speaker, and I would really encourage you to let us pull this back and fix this bill, but I understand when some people don't agree.

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

Representative **CHAPMAN**: Thank you, Madam Speaker, Friends and Colleagues of the House. The House Amendment that went onto this bill went onto it for a purpose, which has to do with the fact that the Commissioner of the Department, at any time, can communicate with people in the industry to talk about industry problems, and so the change that the good Representative from Turner is suggesting is actually unnecessary. Thank you, Madam Speaker.

Representative **DUNPHY** of Old Town moved that the Joint Order and all accompanying papers be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Representative from Old Town, Representative Dunphy, has moved that this Joint Order and all of its accompanying papers be Indefinitely Postponed. The Representative may proceed.

Representative **DUNPHY**: Thank you, Madam Speaker. When the amendment was put on this bill in the House, it was capturing the intent of the Committee's work. There was an error in drafting, and that was spoken about on the floor of the House. Thank you.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It's going to be a long day. I mean, I don't get it. This is a bill to create a task force to look at our natural resource-based industries: farmers; potato folks, which have their own crisis ongoing; the blueberry industry, which is looking at increased competition, not only within the United States, but internationally; the milk industry, which is seeing our small farmers being challenged and many of them going out of business. And we want to indefinitely postpone this? When are we going to talk about it? Rural Maine, the economy of rural Maine, the culture of rural Maine?

The **SPEAKER**: The Representative will defer. The Chair will remind the Representative that the motion to Indefinitely Postpone is the motion to Indefinitely Postpone a recall, not the bill itself. The Representative may proceed.

Representative **FREDETTE**: And, so, by Indefinitely Postponing this, we are essentially killing the bill, and if I --

The **SPEAKER**: The Representative will defer. The Chair understands that the Representative might be referring to the future intent or motives of the Chief Executive, and the Chair will remind the member of the rules. The Representative may proceed.

Representative **FREDETTE**: So, while we sit here and debate this, rural Maine will continue to have its challenges, while we debate who gets to appoint people to the commission. That's a real challenge. Thank you, Madam Speaker.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Joint Order and all accompanying papers.

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 Indefinite Postponement of the Joint Order and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 616

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

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

ABSENT - Frey, Grohman, Malaby, Sherman, Ward.
Yes, 77; No, 69; Absent, 5; Excused, 0.

77 having voted in the affirmative and 69 voted in the negative, with 5 being absent, and accordingly the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Thor Gabrielsen, of Rockport, a student at Camden Rockport Middle School, who placed first overall in the 2018 Mathcounts State Competition. We congratulate Thor on this achievement and send him our best wishes;

(HLS 1157)

Presented by Representative CASÁS of Rockport.

Cosponsored by Senator MIRAMANT of Knox.

On **OBJECTION** of Representative CASÁS of Rockport, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **CASÁS**: Thank you, Madam Speaker. As the Clerk read, Thor got recognized for his achievements in the Math Counts competition and as we kind of put some information together, for a math kid of this caliber, you get statistics. So, I just want to briefly go over again this middle schooler's accomplishments.

Thor will be heading to the National Math Counts competition. This is the third time that he has been a state team member for the National Maine Math Counts team. This is his second year leading the team as the number one in the state. Talk about accomplishments: he will be recognized for competing three times and that is one out of five people out of a grand total of 224 across our country that have achieved that. He also scored a perfect score on the American Math Competition, which is also a worldwide competition, and he is one of 75 out of 102,625 that participated. Only 75 achieved a perfect score. I've had the pleasure of spending some time with Thor and his parents. He lives kind of right down the road from me, I've watched him grow and progress in his achievements over time, and this is definitely a kid that's going some places, so I appreciate you all taking the time to listen to the accomplishments of this great Mainer. Thank you.

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

Recognizing:

Jensen Bissell, of Milo, who recently retired as Director of Baxter State Park. Mr. Bissell began his career in 1987 as the Resource Manager of the Scientific Forest Management Area, and in 2005 he was appointed director. We extend to Mr. Bissell our appreciation for his 30 years of service to the people of the State and offer him our best wishes on his retirement;

(HLS 1163)

Presented by Representative HIGGINS of Dover-Foxcroft.

Cosponsored by Senator DAVIS of Piscataquis.

On **OBJECTION** of Representative HIGGINS of Dover-Foxcroft, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **HIGGINS**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. It's my pleasure today to have an opportunity to rise to recognize somebody who's quietly gone about the business of protecting one of Maine's iconic resources, Baxter State Park.

For 12 years, Jensen Bissell has been the Director of Baxter State Park. And during that time, like the rest of the world in which we live, there's always the pressure to motorize and mechanize and move forward. But through that tenure of 12 years, he's maintained the vision of Percival Baxter, to make sure that this is a unique and special place, gives us an opportunity to visit. I would venture to guess that a vast majority of us in this House have had the opportunity to be there, and we know that it's what I call "cleansing the soul" when you go to places like Baxter State Park. It puts us in a different place. It has such a unique importance to our state, and we're all proud of it as a natural treasure that we have. So, it's a great honor for me to recognize Jensen for the patience, the tenacity, and the quiet leadership that has maintained Baxter State Park as a pristine wilderness preserve that we all hope it will continue to be. Thank you, Madam Speaker and Ladies and Gentlemen of the House.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, I had an opportunity this morning to again visit with and speak with Jensen Bissell. Jensen, as you know, was appointed Director for the Baxter State Park Authority back in the year 2005, and it gives me great pleasure to share with you that Jensen was an outstanding member. As you may know, I served as a trustee to the park from the year 2003 to 2011 and part of the process when we, in fact, hired Jensen, and I'll tell you, Jensen is a very dedicated individual, and we all wish him well in his years of retirement. Thank you, Madam Speaker.

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

Representative **GUERIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I would join in my congratulations to Jensen. He knows my great love for Baxter Park, and for many years I had been trying to get a position on the advisory board, and about when that was going to happen, I got a seat in the House, so I was deemed unworthy then to serve on the board. I think that he has done a great job preserving the vision of Governor Baxter Park, where the boys and girls of moderate means in the State of Maine could go and experience the Maine that Governor Baxter wanted to preserve. So, thank you very much, Jensen.

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

Recognizing:

Gabby Low, of Winthrop, a member of the Cony High School girls swim team, who was named the *Kennebec Journal/Morning Sentinel* Girls Swimmer of the Year. We extend to Gabby our congratulations and best wishes;

(HLS 1167)

Presented by Representative POULIOT of Augusta.

Cosponsored by Senator BELLOWES of Kennebec, Senator KATZ of Kennebec, Representative HICKMAN of Winthrop.

On **OBJECTION** of Representative POULIOT of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **POULIOT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, it's my distinct honor to be able to recognize Gabby today. This year, Gabby has improved upon her performance from last year by winning state titles in the 100-yard butterfly and the 100-backstroke and was crucial in taking two more victories with the 200 freestyle and the medley relay teams. Her performance led her to being named the most outstanding performer of the state championships, after earning the same distinction at the Kennebec Valley Athletic Championships.

According to her coach, Jon Millett, she's been a rock for her team and he said about her, "When you need to have your best swim, that's when Gabby shows up. The bigger the meet, the bigger her performance, that's just the way that she is." Gabby has also been nominated for All-American status and will find out in June if she's been awarded that distinction. We wish Gabby the best of luck. I sure hope she decides to stay in Maine to swim, though her talents, I'm sure, are being heavily recruited elsewhere, and we congratulate her on her achievements.

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

Recognizing:

Nathan Berry, of Augusta, a member of the Cony High School boys swim team, who was named the *Kennebec Journal/Morning Sentinel* Boys Swimmer of the Year. We extend to Nathan our congratulations and best wishes;

(HLS 1168)

Presented by Representative POULIOT of Augusta.
Cosponsored by Senator KATZ of Kennebec, Representative BRADSTREET of Vassalboro, Representative DOORE of Augusta.

On **OBJECTION** of Representative POULIOT of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **POULIOT**: So, Madam Speaker, as you can tell, we have some phenomenal swimmers in Augusta. This year -- this name might be familiar to you, Nathan Berry also received this award last year as a sophomore, but since that time, his top performances in the pool have continued, winning titles in the 50-yard freestyle, the 100-yard backstroke in the Kennebec Valley Athletic Conference Championships in Bath, Maine, before placing second in both at the Class A State Championships at the University of Maine.

His coach, Jon Millett, says that "Nathan is a true sprinter, that is what he's really good at. He's all arms and legs. He's like a tornado in the water. He just really goes". Nathan has shown himself to be a leader on his team, raising the level of competition and motivating his teammates to push themselves even harder. We look forward to seeing his success continue and would like to pass along our congratulations. Thank you, Madam Speaker.

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

In Memory of:

the Honorable Richard W. Redmond, of Augusta. Mr. Redmond served four years in the United States Navy, including one year of service on the world-famous USS *Missouri*. An athlete, he fought in the 1948 Golden Gloves Tournament, winning the welterweight title, and was a professional fighter for two years. In 2000, he published *Maine Boxing Record Book, 1922-2000*. Mr. Redmond became a teacher and coach at the high school and college levels before joining the State's Department of Education in 1964. He served as Deputy Commissioner for the department for several years and was appointed Commissioner by Governor Joseph Brennan in 1986. Mr. Redmond will be long remembered and sadly missed by his wife of over 64 years, Evelyn, and by his family and friends;

(HLS 1164)

Presented by Representative POULIOT of Augusta.

Cosponsored by Senator KATZ of Kennebec, Representative BRADSTREET of Vassalboro, Representative DOORE of Augusta.

On **OBJECTION** of Representative POULIOT of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **POULIOT**: Thank you, Madam Speaker. It's really great we kind of get to recognize both ends of the spectrum, you know? A couple of young individuals in the community who are just starting off in their journey in life, and now to recognize Mr. Redmond in memoriam, who lived a long and very accomplished life.

Richard Redmond was a fixture in this community for decades. He was a brother, a father, a husband, a grandfather, a coach, a teacher, an author, and a competitor. And though he spent his later years in life with his wife of 64 years in Florida, he was truly a Mainer through and through. You've heard of many of his accomplishments when the sentiment was read just now, but one thing that I think is really great is that Richard was a heck of a golfer. In fact, he shot an 87 when he was 87. I can't even shoot an 87 now. I think that, you know, this gentleman was committed to our state. As you heard, he was Commissioner of Education, appointed by Governor Joe Brennan, and he was really dedicated to making sure that Maine people had an opportunity to enjoy a state that was really a great place to live. Richard is a measure of what someone can accomplish, and his dedication to his family and community will serve as a reminder to all of us for years to come. Thank you, Madam Speaker.

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

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment Recognizing the Oak Hill High School drama club Little Theatre in the Woods

(HLS 1134)

TABLED - April 12, 2018 (Till Later Today) by Representative ACKLEY of Monmouth.

PENDING - **PASSAGE.**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-457)** on Bill "An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age"

(S.P. 713) (L.D. 1870)

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
McCREA of Fort Fairfield
PIERCE of Falmouth
SAMPSON of Alfred

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-458)** on same Bill.

Signed:

Representatives:

GINZLER of Bridgton
STEWART of Presque Isle
TURNER of Burlington

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-457) AS AMENDED BY SENATE AMENDMENT "A" (S-479)** thereto.

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-457)** was **READ** by the Clerk.

Senate Amendment "A" (S-479) to **Committee Amendment "A" (S-457)** was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (S-457) as Amended by Senate Amendment "A" (S-479) thereto was **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-457) as Amended by Senate Amendment "A" (S-479)** thereto in concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 611) (L.D. 1654) Bill "An Act To Protect Economic Competitiveness in Maine by Extending the End Date for Pine Tree Development Zone Benefits" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-472)**

On motion of Representative HERBIG of Belfast, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ.**

The same Representative moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of the Committee Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **ACCEPTANCE** of the Committee 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 to Table until later in today's session pending Acceptance of the Committee Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 617

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mearan, 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, White, Winsor, Wood.

ABSENT - Sherman, Ward.

Yes, 78; No, 71; Absent, 2; Excused, 0.

78 having voted in the affirmative and 71 voted in the negative, with 2 being absent, and accordingly the Bill was **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

(H.P. 1124) (L.D. 1629) Bill "An Act To Protect the Elderly from Tax Lien Foreclosures" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-771)**

On motion of Representative HERBIG of Belfast, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ.**

Representative HERBIG of Belfast moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of the Committee Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **ACCEPTANCE** of the Committee 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 to Table until later in today's session pending Acceptance of the Committee Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 618

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, 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, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, 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, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, 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, White, Winsor, Wood.

ABSENT - Moonen, Sherman, Ward.

Yes, 79; No, 69; Absent, 3; Excused, 0.

79 having voted in the affirmative and 69 voted in the negative, with 3 being absent, and accordingly the Bill was **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

ENACTORS

Emergency Measure

An Act To Implement the Recommendations of the Working Group To Improve the Provision of Indigent Legal Services Concerning the Membership of the Maine Commission on Indigent Legal Services

(H.P. 1259) (L.D. 1817)

(C. "A" H-756)

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

Representative HERBIG of Belfast moved that the Bill be **TABLED** until later in today's session pending **PASSAGE TO BE ENACTED**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 619

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

NAY - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, 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, White, Winsor, Wood.

ABSENT - Sherman, Ward.

Yes, 78; No, 71; Absent, 2; Excused, 0.

78 having voted in the affirmative and 71 voted in the negative, with 2 being absent, and accordingly the Bill was **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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

UNFINISHED BUSINESS

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

Bill "An Act To Authorize Tribal Gaming"

(H.P. 838) (L.D. 1201)

- In House, Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-697)** on April 2, 2018.

- In Senate, Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - April 9, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - FURTHER CONSIDERATION.

Speaker GIDEON of Freeport moved that the House **INSIST**.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Dana.

Representative **DANA**: *Woliwon*, Madam Speaker, Ladies and Gentlemen of the House. Matthew Dana II, *ntoliwis*. *Nuhkomoss Joan liwisu*. *Nikuwoss Wanda liwisu*. *Nmitaqs Matt liwisu*. *Peskotomuhkati Nil*. *Motahkmikuk nwik*. My name is

Matthew Dana II. My grandmother's name is Joanne. My mother is named Wanda. My dad is named Matt. I am Passamaquoddy. I live at Indian Township.

The Passamaquoddy Tribe supports gaming in Maine. I am here to express my support for LD 1201, "An Act To Authorize Tribal Gaming."

The Passamaquoddy Tribe has a long-standing history of introducing legislation to the Maine Legislature to approve tribal gaming. Sadly, we also have a long-standing history of failure with each of these efforts as well. We failed twice in the hands of the Maine voters, while two other gaming facilities were approved on the same ballots. We have failed in the State House on countless occasions. Most recently, our efforts failed by only one half a vote to acquire the necessary 2/3s to override a veto in the other body.

Each of these efforts over the last 20 years have stemmed from significant need. Sadly, this need continues today. The need for jobs and economic development for the Passamaquoddy Tribe is immense. We have over a 60% unemployment rate on both reservations. The mean annual income for the Passamaquoddy is merely \$16,250, as compared to Washington County at \$43,818, and Maine as a whole at \$59,300. Our average life expectancy is 50 years old, as compared to 79 for the nation and the State of Maine. We have higher rates of cancer, diabetes, cardiovascular disease, high school dropouts, suicide and substance abuse. We have higher rates than any other demographic in the state. I believe that historical trauma plays a large role in these factors, but I also believe that hopelessness is the greatest factor, hopelessness derived from not having steady and gainful employment.

Our efforts have paved the way for both the facilities operating in our state, Hollywood Slots in Bangor and Oxford Casino in Oxford County. We warmed up the people of Maine to the idea of casinos in 1998, when then-Representative John Baldacci introduced the first-ever legislation to approve a gaming facility in Maine, on behalf of the Passamaquoddy Tribe.

Many people forget, or don't realize, that Native people of Maine were not allowed to vote in state elections until 1967, within my parents' lifetime, and probably during many of yours as well. It was against federal law to conduct and practice Native American ceremony and customs until 1978, within my lifetime. We have been forced to conform to the dominant society's way of life and the capitalistic American dream, yet we are not able to secure adequate economic development for our people.

I know that gaming is not the magic fix to all our issues, but it provides my people with a chance and an opportunity to address many of these issues, such as employment and culturally appropriate prevention programs; to provide the people with a chance to work for a living, to teach their children the importance of hard work, and to break the cycles of addiction. Most of all, it will provide much-needed hope.

Sadly, I doubt that this effort will have success either. So why do I stand before you today? Because we will always fight for equity. We will always fight for the rights and needs of our people.

It is my hope that one day the State of Maine will no longer impose its paternalistic view on Native People, but respect us as the equal, separate governments that we are.

The Wabanaki People, the original people of what is now Maine, have suffered great losses and tragedies. Many of the Nations have been exterminated. Many of you will say that these losses are in the past. Yes, that is true, with many

dating back hundreds of years ago, yet our suffering continues today. We will continue to fight, into the century if need be.

Peskotomuhkati have been here since time immemorial. We were put here by Kisiyulinoq (the Creator) to live. We have hunted, fished, gathered, lived upon this land, as taught to us by Koluskap. We are here to stay. We haven't asked you to fix our problems, we ask you to let us fix them ourselves. I ask that the House Insist on LD 1201.

Cikihtuwine, Peskotomuhkatiyik nilun! Kiseltomumine nuskicinwultinen! (Leave us alone. We are Passamaquoddy! Let us be Passamaquoddy, as the Creator intended) *Na, Tepocokuk wot ahsusuwon. Woliwon.*

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

An Act To Provide a Sales Tax Exemption for Nonprofit Heating Assistance Organizations

(H.P. 1207) (L.D. 1755)

(C. "A" H-679)

TABLED - April 17, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **RECONSIDERATION** (Returned by the Governor without his approval).

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

Representative **POULIOT**: Thank you, Madam Speaker. I just want to point out to the body that this was unanimously supported in the House and in the Senate, or in the other body, I should say, and it also had a unanimous Committee report. So, I can understand the Chief Executive, you know, doing what he likes with different bills but, I mean, this is one that we've all unanimously supported, and I hope that we will continue to support it now. Thank you, Madam Speaker.

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

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. The Waldo County Woodshed provided 130 cords of firewood this past winter, in intervals of a quarter of a cord at a time, to people in need. They ran out of firewood in the first week of March. Unfortunately, spring is not yet available in our area. I've been getting the Error 404 message. This bill came about because, in 2015, when the Woodshed was purchasing a wood splitter, they inquired through Maine Revenue Services about a sales tax exemption, based on a benefit extended to sales to incorporated nonprofit organizations that provide free temporary emergency shelter or food for underprivileged individuals in this state, but their request was denied. This same equipment is exempt for many for-profit businesses, but we're making the nonprofit organizations pay sales tax on the same equipment used to help those in need; money they could spend better serving underprivileged people throughout the State of Maine. Thank you.

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

Representative **GILLWAY**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I just wanted to rise quickly to mention they do operate in my community and they have taken a burden off from municipalities. We provide assistance to people when they're short on fuel and firewood, and on many occasions I've called them to help some residents in town; and, in fact, some of the residents in town who have wood lots have actually donated wood to this organization. So, it's doing a great job. There are only about three of them in the state, but the more we can support

organizations like this, the better the community spirit and the more work that they'll be able to do for the people of the State of Maine. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the Objections of the Governor?'

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

ROLL CALL NO. 620V

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

NAY - Sirocki, Turner.

ABSENT - Sherman, Ward.

Yes, 147; No, 2; Absent, 2; Excused, 0.

147 having voted in the affirmative and 2 voted in the negative, with 2 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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

An Act To Strengthen Requirements for Water Testing for Schools (MANDATE)

(S.P. 20) (L.D. 40)

(S. "A" S-429 to C. "A" S-406)

- In House, **FAILED OF PASSAGE TO BE ENACTED** on April 11, 2018.

- In Senate, **PASSED TO BE ENACTED in NON-CONCURRENCE**.

TABLED - April 17, 2018 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - Motion of Speaker GIDEON of Freeport to **RECEDE and CONCUR**.

Subsequently, in accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 99 voted in favor of the same and 50 against, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-764)** - Minority (6) **Ought Not to Pass** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Remove the Age Penalty for State Retirees Working at State Correctional Institutions That Are Closing"

(H.P. 133) (L.D. 177)

TABLED - April 17, 2018 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative MARTIN of Eagle Lake moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **WINSOR**: That was a surprise. I would urge my colleagues not to support the Majority Report. The Minority Report... this will have an unknown impact on the retirement system simply because we don't know who would qualify for this, and at some point we'll have to make up the unfunded liability created by this benefit. Thank you.

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

Representative **ALLEY**: Thank you, Madam. LD 177, is that what we're on? It is, isn't it?

The SPEAKER: The Chair would answer in the affirmative. The bill before the House is LD 177.

Representative **ALLEY**: Okay, "An Act To Remove the Age Penalty for State Retirees Working at State Correctional Institutions That Are Closing." I sponsored this bill to help out the long-term employees of the Downeast Correctional Facility in Machiasport. Now, closure is a real fear, if not likelihood. Again, under the -- it's under discussion. Even though I sincerely hope that this will not come to pass, these workers need the protection that this bill will provide. They do not need an additional source of stress in a stressful situation.

The state is usually very good about offering employees the opportunity to work elsewhere in the system. The problem is that there are no comparable facilities for quite a distance. For young people, this could work, but there are a number of employees who have worked there for more than 25 years yet have not attained a state minimum age of retirement. They have set down strong roots in their communities, and moving over a hundred miles for a job is a difficult undertaking for them and their families. This bill would allow them to retire without having to pay the substantial penalty for early retirement. This is a small number of people that we are talking about, and there is no cost to this bill should the facility stay open, which I pray we do -- we can find a way to do. The Corrections Department should have to calculate any additional cost from this bill as a part of the cost of closing the facility. We owe these loyal, long-term employees, who have given the best years of their working lives in service to the state, at least that much. Thank you.

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

Representative **TUELL**: Good evening, Madam Speaker. This is the first of many appearances tonight, I have a feeling. I rise in support of the bill before us. As many of you know, the Downeast Correctional Facility, the men and women who selflessly gave of themselves for decades to keep that facility online and functional, and our small coastal Washington County communities have been through the wringer these past few months, with threatened closure, attempted closure, court-ordered reopening, and the prospects of another closure looking them straight in the eye.

Under ordinary circumstances, this bill would not be necessary. Under ordinary circumstances, the State of Maine would work with employees, their representatives, and the community to come up with a solution that leaves all whole. You have heard plenty from me about the raw deal done to DCF, its workers and our communities, so I'll not belabor that point. What I will tell you is that this bill offers long-time employees a chance to walk away with a shred of dignity and honor should things not work out. That may be harsh, it may be stark, and it may be unprecedented, but verily, it is not every day a superior court justice, sworn to uphold the laws of the State of Maine, finds that a facility was closed illegally, and commands that it be reopened.

Madam Speaker, we find ourselves in fortuitous times. The future of DCF is uncertain. The men and women who gave decades of their lives in service to our state while working there are equally unsettled, especially today. We have a choice and a chance to do right by them. That is why I will be voting in favor of this legislation.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Madam Chair. Madam Chair, I noticed that we're voting on an amendment, and looking online here, I don't see the amendment, so I'm not sure what we're voting on. Thank you.

The SPEAKER: The Chair would advise the member that we are on page 40 of today's calendar. It's Unfinished Business, item number 20. It's LD 177 and what we are voting on is the Majority Ought to Pass as Amended Report from the Committee. That's the motion in front of us.

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. 621

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan,

Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Marean, McElwee, O'Connor, Ordway, Parry, Perkins, Pickett, Pierce J, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Stearns, Stetkis, Stewart, Strom, Sutton, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor.

ABSENT - Harvell, Sherman, Ward.

Yes, 89; No, 59; Absent, 3; Excused, 0.

89 having voted in the affirmative and 59 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-764) 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-764)** and sent for concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 1002)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

April 13, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1838, "An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos."

First, section 2911 of Title 17 already prohibits the dissemination of obscene material to minors, making such conduct a Class C crime. LD 1838 is therefore redundant as it regards to protecting minors.

Further, LD 1838's attempt to differentiate between conduct by adults and minors is flawed in that it sets a rolling age for criminal liability. A person is either an adult or they are not. This bill does not set definitive age boundaries.

Finally, LD 1838 would criminalize mutually consensual sharing of obscene materials where a recipient of those materials has a mental disability, regardless of the severity of that disability. Other statutes for the protection of people with mental disabilities specify that protection applies where the mental disability is severe enough that it, in fact, renders such individuals substantially incapable of appraising the nature of the conduct or of understanding their ability to deny or withdraw consent.

This bill presumes a person with a mental disability of any degree is incapable of giving consent and thereby denies those individuals the dignity of choice. It is discriminatory. While many people might find the conduct distasteful, an adult couple should not be made into criminals for texting one another intimate pictures in their mutual, private relationship simply because they have mild intellectual disabilities.

For these reasons, I return LD 1838 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

The Following Communication: (S.C. 998)
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

April 13, 2018
The 128th Legislature of the State of Maine
State House
Augusta, Maine

READ and **ORDERED PLACED ON FILE** in concurrence.
The accompanying item An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos

Dear Honorable Members of the 128th Legislature:
Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 383, "Resolve, Directing the Department of Health and Human Services to Develop a Plan to Strengthen the Quality and Supply of Child Care Services."

(S.P. 690) (L.D. 1838)
(C. "A" S-419)

In Senate, April 18, 2018, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

This bill requires the Department of Health and Human Services to engage in duplicative and unnecessary activities. The State currently runs a voluntary quality rating program for child care providers that can be used to attract customers, rendering additional State-funded financial incentives unnecessary. In addition, at this time there is no indication that the amount of federal funding allocated to Maine under the Child Care Development Block Grant (CCDBG) will increase. A law directing action based on funding that may or may not become available is unwise.

27 voted in favor and 8 against, and 27 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

Furthermore, were an increase in funding under CCDBG to occur, the Department would conduct an analysis of needs and uses for this increased funding across the entire child care system in the State, and use that analysis to develop a plan for use of the additional funding to improve access to quality child care throughout the system. Extremely specific legislative carve-outs of block grant funding limits flexibility and is contrary to the intent of federal block grant funds.

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

For these reasons, I return LD 383 unsigned and vetoed. I strongly urge the Legislature to sustain it.

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

Sincerely,
S/Paul R. LePage
Governor

ROLL CALL NO. 622V

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

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

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

The accompanying item Resolve, Directing the Department of Health and Human Services To Develop a Plan To Strengthen the Quality and Supply of Child Care Services

(S.P. 124) (L.D. 383)
(C. "A" S-408)

NAY - Bates, Chapman, Grignon, Hickman, Kinney J, Kinney M, Lockman, Lyford, Mason, Reed, Sanderson, Sirocki, Stetkis, Sutton, Theriault, Timberlake, Turner, Winsor.

In Senate, April 17, 2018, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

33 voted in favor and 2 against, and 33 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

ABSENT - Harvell, Sherman, Ward.

Representative **HYMANSON**: Thank you, Madam Speaker, Men and Women of the House. I wanted to make it clear. I read through the veto letter, and I wasn't convinced that what was said was really what the bill was asking, so I wanted to bring clarity to that.

Yes, 130; No, 18; Absent, 3; Excused, 0.

130 having voted in the affirmative and 18 voted in the negative, with 3 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

This bill really asks the Department to develop a plan to increase the supply of child care providers in the quality realm of steps three and four, which are high-quality child care

providers, because we are losing child care providers, and a lot of the attempts this session were really to address that. And so, it didn't seem that decreasing the quality of the child care providers was the right move, although some of the bills spoke to that. So, this is a plan for the Department to develop a plan, and it lists in the bill the issues that it needs to speak to in the plan. That's really reasonable, because we need to increase the supply of child care providers. So, it does not really talk about using the Child Care Block Grant as the veto message says, and I wanted to relay that. So, I'm hopeful that you'll help me to override this veto. Thank you.

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

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

ROLL CALL NO. 623V

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

NAY - Dillingham, Ginzler, Guerin, Lockman, Lyford, Sirocki, Stetkis, Sutton, Turner, Wallace, White, Winsor.

ABSENT - Harvell, Sherman, Ward.

Yes, 136; No, 12; Absent, 3; Excused, 0.

136 having voted in the affirmative and 12 voted in the negative, with 3 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (S.C. 999)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

April 13, 2018
The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:
Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 669, "An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers."

The Competitive Skills Scholarship Program (CSSP) was established by the Maine legislature in 2007, and launched

early Spring 2008. CSSP is financed by employer contributions as part of their unemployment tax. The CSSP fund serves a very diversified population of job seekers that includes secondary and post-secondary students, immigrants, people on public assistance, people with disabilities, the underemployed, and veterans. Additionally, it identifies the workforce need of Maine employers through use of the high wage in demand list, and connects businesses with workers through the CSSP and on-the-job-training when coupled with the Maine Apprenticeship Program.

The Department of Labor currently partners with trade associations, education and training providers like the Maine Community College System, adult education, employers and others to directly connect work and learn opportunities, develop customized employer driven training, and focus on industries with significant demand. It is imperative the CSSP program continue to be accessible to the populations it was created to serve. The fact that CSSP allows, in fact demands, that resources outside of CSSP be leveraged, speaks to the number of people who can be served by this program. The CSSP has the simple aim of providing the most training, in the shortest amount of time, for the least cost.

LD 669 requires the Maine Community College System to become involved in administering the program, which overcomplicates an already efficient process. Not every CSSP trainee's degree or certificate is even granted by the MCCS, so it seems inappropriate to assign one educator administrative oversight. Mandating involvement of the MCCS only increases administrative costs and bureaucracy, something I cannot support. Furthermore, LD 669 is unclear about the role MCCS would play in administering the program, placing trainees in a potential situation where the Department creates a training plan and the MCCS overrides it. Trainees have enough to juggle without these unnecessary administrative headaches.

The Department of Labor has already increased the efficiency of our CSSP program with outstanding results of improved outcomes, higher wages and more people with credentials. Additional reforms the Department has implemented without the need for legislation include moving Career Centers into community college locations and working more closely with MCCS staff to streamline communication, cross-promote available resources and programs, and develop industry-driven training to achieve the goal of MCCS students obtaining the critical skills our employers desperately need. Similar work has been done with Adult Education, the University System and private training providers. LD 669 would actually disrupt this progress and place the CSSP program on hold while new regulations were negotiated with the MCCS to define the new roles. Maine's current workforce situation cannot afford such needless delay.

For these reasons, I return LD 669 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

Came from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The accompanying item An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers

(S.P. 231) (L.D. 669)
(C. "A" S-399)

In Senate, April 17, 2018, this Bill, having been returned by the Governor, together with objections to the same, pursuant to

the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

34 voted in favor and 1 against, and 34 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

Representative **FREDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I ask you to please briefly read the Chief Executive's veto message on this. I think it's convincing, and I would ask you to follow my light in sustaining this veto. Thank you.

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

Representative **FECTEAU**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Just a reminder that this bill had a unanimous report out of Committee. It was based on recommendations from the 21st Century Workforce Task Force. In addition to that, there were changes that were made in the previous session that open up employers to liability in terms of sanctions for the Department of Labor, the US Department of Labor, as it relates to hiring a minor who has received their certificate in a welding program, for example; and there were changes made in this bill to make sure that we clarified that language, so this is actually really important. There's a pending case regarding an employer that mistook the language that was passed in the last session, and it has been under investigation from USDOL. So, I am not convinced by the Chief Executive's letter because this bill is actually quite important, so I would urge this body to override the veto.

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

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

ROLL CALL NO. 624V

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, 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, Foley, Frey, Fuller, Gattine, Gerrish, Golden, Grant, Grohman, Hamann, Handy, Harlow, Harrington, Hawke, Herbig, Herrick, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mastraccio, McCreagh, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Picchiotti, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Black, Bradstreet, Cebra, Chace, Craig, Dillingham, Esping, Farrin, Fredette, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Head, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Pickett, Pierce J, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault,

Timberlake, Turner, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Harvell, Sherman, Ward.

Yes, 97; No, 51; Absent, 3; Excused, 0.

97 having voted in the affirmative and 51 voted in the negative, with 3 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (S.C. 1000)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

April 13, 2018

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 958, "An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act."

The Public Health Emergency Preparedness Program (PHEPP) at Maine CDC currently runs a registry for volunteers who are able to help in a Public Health Emergency. Since shortly after September 11, 2001, the existing system has been funded through federal grant dollars from the U.S. Department of Health and Human Services and Homeland Security emergency preparedness funds. During emergencies, PHEPP works with Maine Emergency Management Agency to verify and certify volunteers who can be deployed during the emergency.

Maine has a Good Samaritan statute already, and we have a system in place to ensure volunteers are able to assist in an emergency. This bill is not necessary and actually does not require the State to take any new action. It just puts more laws on the books. It is a solution in search of a problem – a problem that does not exist.

For these reasons, I return LD 958 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

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

The accompanying item An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act

(S.P. 314) (L.D. 958)
(C. "A" S-401)

In Senate, April 17, 2018, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

35 voted in favor and 0 against, and 35 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

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

ROLL CALL NO. 625V

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

NAY - Sirocki, Winsor.

ABSENT - Harvell, Sherman, Ward.

Yes, 146; No, 2; Absent, 3; Excused, 0.

146 having voted in the affirmative and 2 voted in the negative, with 3 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (S.C. 1001)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

April 13, 2018

The 128th Legislature of the State of Maine
State House

Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1267, "An Act To Protect Licensing Information of Medical Professionals."

There is no question that certain personal information about licensees and applicants for licensure submitted to, and held by, medical licensing boards must, by law, remain confidential and shielded from public view. The Maine Freedom of Access Act (FOAA) sets forth the procedure that must be used by state agencies in responding to Freedom of Access inquiries. Moreover, the statutes of medical licensing boards affected by this bill clearly differentiate between licensee information that is public and information that is private and confidential.

This bill, however, would place an unreasonable burden on medical licensing boards by adding several layers of process to the procedure for responding to Freedom of Access Act requests. These additional requirements will significantly increase litigation and slow the release of public information. Specifically, the boards to which this bill would apply would be required to notify licensees who are subjects of a FOAA inquiry

and then allow the licensee time to review redacted information. If the licensee objects to the release of the information, the bill allows a licensee time to file for injunctive relief in court to prevent the information from being released by the board. The board would be required to pay for additional legal services to defend it in court. Only if the board prevails in court could the requested information be released. There is no justification for adding layers of bureaucracy and state expense to an already complex and highly ineffective statute.

The Public Access Ombudsman position created by the Legislature in the Attorney General's Office is the appropriate resource for medical licensing boards to consult if there are questions about whether specific information should be redacted or released. Furthermore, there is nothing in current law that prevents licensees from requesting the publicly available information on themselves so that they can be aware of what would be released if such a request were made. This bill is simply unnecessary.

For these reasons, I return LD 1267 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

From the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The accompanying item An Act To Protect Licensing Information of Medical Professionals

(S.P. 430) (L.D. 1267)
(C. "A" S-424)

In Senate, April 17, 2018, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

35 voted in favor and 0 against, and 35 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

Representative **McCREIGHT**: Thank you, Madam Speaker, Men and Women of the House. I wanted to rise to talk about why it's important that we override this veto.

This bill protects private information of physicians, physicians' assistants, nurse practitioners, and osteopaths who are licensed, as well as those who are applying for these licensures. This bill achieves the balance we always want when we make such decisions about protecting personal information: the public's right to know and the individual's need for privacy and safety. The Legislature has already passed protections for the private information of several other groups because of the risk that such disclosures cause. These include private investigators, social workers, and members of the Gaming Board. You might ask why we protect private information. It's because there have been incidents when information that has been made public has caused harassment, stalking, and worse; information such as Social Security Numbers, Drug Enforcement Agency license numbers, these are the numbers that allow medical professionals to prescribe drugs, as well as private photos and home addresses; information that puts the person and possibly other people, such as family members or patients, at risk with no legitimate benefit to others' right to know.

Today we live in a highly technological and connected world, and once information is out, it spreads rapidly and it can't be pulled back. The Judiciary Committee is the Committee that reviews right-to-know concerns and was the Committee where this bill was heard. To make sure we were finding that critical balance between right to know and personal privacy and safety, we formed a bipartisan subcommittee to work on this bill, and as a result presented an amendment which was passed unanimously in the Judiciary Committee. The amendment allows applicants and licensees of the State Board of Nursing, the Board of Osteopathic Licensure, and the Board of Licensure and Medicine to know that their files have been requested, and lets them have the opportunity to review their own redacted files before the board makes the file available for inspection. If something is included that shouldn't be released, the correction can be requested and made. Mistakes do happen. Human error is just that, it's human. This bill allows mistakes to be caught before they happen and helps protect safety.

Again, it was a unanimous report from the Committee and passed the House and Senate without debate, and I ask for your support in overriding the veto. Thank you.

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

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

ROLL CALL NO. 626V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, 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, Picchiotti, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

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

ABSENT - Harvell, Sherman, Ward.

Yes, 85; No, 63; Absent, 3; Excused, 0.

85 having voted in the affirmative and 63 voted in the negative, with 3 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (S.C. 1003)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

April 13, 2018

The 128th Legislature of the State of Maine
State House

Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1840, "An Act To Revise the Municipal Consolidation Referendum Process."

Current law empowers residents of a municipality concerned about redundancies and inefficiencies in their local government to request, by petition, the formation of a joint charter commission to consider and make recommendations for the consolidation of two or more municipalities. Public hearings on those recommendations allow voters to inform themselves and consider whether to proceed with consolidation. If voters elect not to proceed, residents must generally wait three years to reconsider the issue.

LD 1840 limits the ability of local residents to determine the course of their towns' futures by placing higher barriers in front of residents who wish to give due consideration to the potential consolidation of municipalities.

First, after submission of a petition, LD 1840 requires a preliminary vote that may scuttle the entire process before any investigation or report on the outcome of consolidation is issued. At that point the electorate has little, if any, information with which to inform itself prior to rendering a decision. A vote in the negative denies the opportunity for such information to be gathered.

Second, unless a very large number of voters agree, if the particular proposal put forth by a joint charter commission fails, LD 1840 increases from three years to six years the waiting period before voters can request formation of another joint charter commission to put forth an alternative proposal. This period of time is too long and inhibits local control.

For these reasons, I return LD 1840 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

Come from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The accompanying item An Act To Revise the Municipal Consolidation Referendum Process

(S.P. 692) (L.D. 1840)
(C. "A" S-418)

In Senate, April 17, 2018, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

35 voted in favor and 0 against, and 35 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

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

ROLL CALL NO. 627V

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

NAY - Casas, Fecteau, Grant, Lockman, Lyford, Mastraccio, Melaragno, Sanderson, Sheats, Sirocki, Sutton, Winsor.

ABSENT - Harvell, Sherman, Ward.

Yes, 136; No, 12; Absent, 3; Excused, 0.

136 having voted in the affirmative and 12 voted in the negative, with 3 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

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

Representative **TUCKER**: Thank you, Madam Speaker, and thank you, ladies and gentlemen. I'd like to bring forward a Memoriam which was passed in the other body earlier today, the mother of Senator Stan Gerzofsky, Molly Pitcher, who is one of my favorite constituents.

Molly Pitcher was a dancer in New York City with the Radio City Music Hall of Fame Rockettes. She was on Ed Sullivan's Toast of the Town Show and a June Taylor dancer on the Jackie Gleason Show. She owned and operated a furniture factory in Vermont before moving to Maine, in Brunswick, and was working at the Maine Legislature as part of Senator Gerard Conley's staff, as the Senate Sergeant at Arms, and as a committee clerk for the Labor Committee, which I had a lot of business to do with back in the late 70s and early 80s.

An active Democrat, she marched in the Civil Rights Movement with Caesar Chavez, attended the 1960 Democratic National Conventional as a Kennedy delegate, and worked on Democratic campaigns, including those of her son, the Honorable Stanley J. Gerzofsky. She will be long remembered and sadly missed by her family and friends.

I met Molly when I first worked for the Democratic party in the 1974 election. She was the go-to person in Brunswick before I lived there. This was back when they had multi-member districts. When I moved to Brunswick in 1977, she lived in Meadowbrook and she drove a huge Cadillac, and in every election cycle she was in charge of Brunswick. She had

a hardy laugh, she had a lot of good stories, she was kindly, but she was always formidable, scrappy, and confrontational. Her political style reflected that of her son, to whom I extend the greatest, deepest condolences. She was a true election mechanic. She knew how to organize phone banks, mailings, signs; but her specialty was absentee ballots. She had a network of elderly French ladies in a section of Brunswick who could stir up more absentee ballots than you could imagine. She was closely associated with Antoinette "Toni" Martin, who was a famous legislator of the day. All visiting candidates to Brunswick had to get by Molly. It didn't matter whether you were Senator Muskie, whether you were Jerry Brown, Mike Dukakis, Senator Mitchell or Governor Brennan; everybody had to get by Molly. She was always a helpful ally for me and my schoolboard and town council elections. In my first primary, I had a ten-vote margin of victory and it was due to absentees, absentee ballots, that is. So, Molly has forever taken complete credit for my being here.

I would go over and visit her, I'd bang on the back door because there was no doorbell, the door was -- the house was always completely unlocked, I would walk in and I'd sit in the living room with her while she reminisced about her grandfather, who used to be head of the post office union down in Washington, and go over her pictures. But she was sharp as a tack until she died. The only area where she was not sharp as a tack is that she did not give me a \$5 qualifying contribution this time around.

Matt Dunlap and the town clerk should keep a sharp eye out to make sure Molly's ghost doesn't come back and vote absentee. So, from working with the Rockettes in New York City as a youth, as the granddaughter of a union leader, as a California resident and delegate to the Kennedy convention in '60, to her work in the Vermont business of making furniture, as a Brunswick activist and as legislative staffer, Molly is an American classic. Thank you.

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

Representative **DAUGHTRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'd be remiss if I, too, did not stand. As the good Representative from Brunswick has already told you a little bit about the history of the Democratic party in Brunswick, I had a very strong group of women who raised me, from Charlene Rydell, a former member of this body, and Molly Pitcher. And I learned at Molly's feet, literally; I can remember some of my first memories of presidential elections with her telling me to get busy, hold a sign, and make sure I was chipping in. I wouldn't be where I am today if I hadn't learned from Molly and everything I've gone through with her and also with her son, Senator Gerzofsky.

More importantly, just really quick because I know we have a lot of work to do, but I want to share one story of when I was very little. It was 1992, I was watching a presidential election on the TV, and it looked like it was really fun to run for President. So, I decided I, too, was going to run for President. So, I stole some office supplies and went out on Main Street in Brunswick with signs that said "Vote 4 Mattie." And it was going really well, I think I was getting a lot of votes, people were really cheering me on, and then a gentleman came up to me and said, "That's cute," and I'm like okay, and I don't remember exactly what happened but I've been told the gist was basically he told me I couldn't be President because I was a woman. And, so, I ran back crying back into the town

headquarters, and there was Molly, and she gave me a big hug and a kiss, as did all the other women, and said, "Honey, that's just because someone hasn't done it yet, and that's why you need to keep working." So, I wouldn't be here without Molly, and I miss her desperately already.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

COMMUNICATIONS

The Following Communication: (H.C. 512)

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

April 18, 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 Committee has voted unanimously to report the following bill out "Ought Not to Pass:"

Education and Cultural Affairs

L.D. 1898

An Act To Amend Maine's High School Diploma Standards and Ensure Maine Students Meet State Standards upon Graduation

Sincerely,
S/Robert B. Hunt
Clerk of House

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Improve Efficiency through Electric Rate Design and Advanced Technology"

(S.P. 726) (L.D. 1896)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** **READ** and **ACCEPTED** in the House on April 17, 2018.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Reports were **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in **NON-CONCURRENCE.**

The House voted to **INSIST.**

Non-Concurrent Matter

Bill "An Act To Encourage the Construction of Affordable Housing"

(S.P. 507) (L.D. 1461)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-471) in the House on April 17, 2018.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE**

ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-470) in **NON-CONCURRENCE.**

The House voted to **INSIST.**

Non-Concurrent Matter

Bill "An Act To Reestablish the Office of Advocacy within the Department of Health and Human Services"

(H.P. 1164) (L.D. 1676)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769) in the House on April 17, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-770)** in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County (EMERGENCY)

(S.P. 257 (L.D. 812)

(C. "A" S-444)

- In House, **FINALLY PASSED** on April 11, 2018.

- In Senate, **FINALLY PASSED** on April 12, 2018, in concurrence.

- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 736.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-444) AS AMENDED BY SENATE AMENDMENT "A" (S-481)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

An Act To Create The Barbara Bush Children's Hospital Registration Plate

(S.P. 621) (L.D. 1685)

(C. "A" S-348)

PASSED TO BE ENACTED in the House on February 13, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-348) AS AMENDED BY SENATE AMENDMENT "A" (S-482)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy"

(H.P. 640) (L.D. 912)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745) in the House on April 12, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-747)** in **NON-CONCURRENCE.**

Representative ESPLING of New Gloucester 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: 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. 628

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

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

ABSENT - Harvell, Sherman, Ward.

Yes, 72; No, 76; Absent, 3; Excused, 0.

72 having voted in the affirmative and 76 voted in the negative, with 3 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**ENACTORS
Emergency Measure**

Resolve, To Create the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services

(S.P. 713) (L.D. 1870)
(S. "A" S-479 to C. "A" S-457)

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. 129 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 Create and Sustain Jobs through Development of Cooperatives and Employee-owned Businesses

(H.P. 932) (L.D. 1338)
(C. "A" H-767)

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 Implement Certain Recommendations of the Computer Science Education Task Force and To Update and Implement the Department of Education's Statewide Strategic Plan for Science, Technology, Engineering and Mathematics

(H.P. 1296) (L.D. 1861)
(S. "A" S-475 to C. "A" H-757)

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

ORDERS

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 66)

ORDERED, that Representative Betty A. Austin of Skowhegan be excused April 12 and 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Henry John Bear of the Houlton Band of Maliseet Indians be excused April 11, 13 and 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard M. Cebra of Naples be excused April 9, 10, 11, 12 and 13 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Stacey K. Guerin of Glenburn be excused April 10, 11, 12 and 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Matthew Dana II of the Passamaquoddy Tribe be excused March 27, 28, and 29 and April 2, 4, 5, 9, 10, 11, 12, 13 and 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Catherine M. Nadeau of Winslow be excused April 11 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Nathan J. Wadsworth of Hiram be excused March 6 for health reasons.

READ and PASSED.

COMMUNICATIONS

The Following Communication: (H.C. 514)

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

April 18, 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 for "Leave to Withdraw" by the following sponsor:

Senator Brakey of Androscoggin

L.D. 310 An Act To Responsibly Implement an Adult Use Cannabis Program

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

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

The Following Communication: (S.C. 1019)

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

April 18, 2018
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Senate Paper 339, Legislative Document 1032, "An Act To Ensure Protection of Patients," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

21 voted in favor and 14 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 1020)

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

April 18, 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 Finally Passed "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District" (H.P. 32) (L.D. 31) in non-concurrence.

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 1021)

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

April 18, 2018
Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Gideon:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 128th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs,

- Nicki Fowlie of Appleton for appointment to the Maine Community College System, Board of Trustees;
- Frederick C. Dey of Portland for appointment to the Maine Maritime Academy, Board of Trustees;
- Trevor J. Hustus of Hollis for appointment to the University of Maine System, Board of Trustees;
- Dr. David M. MacMahon of Poland for appointment to the University of Maine System, Board of Trustees.

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 1022)

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

April 18, 2018
Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Gideon:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 128th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, Larissa Darcy of Brunswick for appointment to the Midcoast Regional Redevelopment Authority.

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Repeal Proficiency-based Diplomas"

(H.P. 1338) (L.D. 1900)

Signed:

Senators:

MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
GINZLER of Bridgton
McCREA of Fort Fairfield
PIERCE of Falmouth
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-775)** on same Bill.

Signed:
Senator:
LANGLEY of Hancock

READ.

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-473)** on Bill "An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation" (EMERGENCY) (S.P. 657) (L.D. 1770)

Signed:
Senator:
BELLOWS of Kennebec

Representatives:
FECTEAU of Biddeford
BATES of Westbrook
DOORE of Augusta
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-474)** on same Bill.

Signed:
Senators:
VOLK of Cumberland
LANGLEY of Hancock

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473) AS AMENDED BY SENATE AMENDMENT "A" (S-485)** thereto.

READ.

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

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

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

Representative FREDETTE of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **FECTEAU**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I don't want to get too far ahead of myself because I know that there are more actions to be had on this particular piece of legislation, but I do want to just inform the Chamber as to what this bill does. One thing that is extremely important about this bill is, in the budget last session, there was a change made to chargeability for employers concerning unemployment. So, basically, in the past, the way it worked was the most recent employer where the separation occurred would be charged for unemployment. The Department proposed changing that, they accidentally put language in the budget that didn't do what they intended. Instead, it charged the employer who the employee was furthest away from. So, for example, if I worked for an employer, I got laid off, but in my five quarters of eligible -- of time that I was eligible for unemployment, if I worked for another employer, say, for the first two quarters, that employer would be charged first, rather than the employer in which the separation occurred.

So, this bill clarifies -- changes it so that the most recent employer is charged for the unemployment claim, because they are the employer in which the employee was separated from. The bill also requires that the Department fill a number of vacant positions that have not been filled that were budgeted for in the last budget cycle, or this most recent budget cycle. As we know, with the new ReEmployME system, there are a number of issues with folks getting access to staff at DOL to resolve issues concerning the new online system, and this would help alleviate some of those issues. Customer service reps only take phone calls between 8:30 and 12:30, and by filling the positions that are vacant currently, we can relieve some of those long waits for folks.

So, finally, the bill also requires that the Department provide alternative means of filing, which is the federal guidance as it relates to the unemployment system. Really important, especially for folks in rural Maine, in rural districts. We heard from someone, and I say this lightheartedly, you know, he referred to online as "inline," when he meant online. There's folks that just simply do not have access to a computer, that cannot file their unemployment claim or their weekly work search, and this helps provide -- requires that the Department provide alternative means, over the phone or in person. So, I urge the body to support the pending motion.

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. 629

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, 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, Ryley, 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,

Fredette, Gerrish, Gillway, Ginzler, Grignon, 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, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Sherman, Ward.

Yes, 81; No, 68; Absent, 2; Excused, 0.

81 having voted in the affirmative and 68 voted in the negative, with 2 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-473)** was **READ** by the Clerk.

Senate Amendment "A" (S-485) to **Committee Amendment "A" (S-473)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-473) as Amended by Senate Amendment "A" (S-485) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-473) as Amended by Senate Amendment "A" (S-485)** thereto in concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 742)

ORDERED, the House concurring, that, in accordance with emergency authority granted under the Maine Revised Statutes, Title 3, section 2, the Second Regular Session of the 128th Legislature is extended for up to 5 legislative days.

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

READ.

Representative FREDETTE of Newport **REQUESTED** a roll call on **PASSAGE**.

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 East Machias, Representative Tuell.

Representative TUELL: Madam Speaker, Ladies and Gentlemen of the House, I rise today to support the pending motion. I do so because I believe, more than anything, that it is our responsibility to finish the job we started 15 months ago. Whether we agree or disagree on anything else, that and that alone is our charge. Oh, Madam Speaker, it is not an easy charge. There have been days, particularly over the past week or two, that the issues get hotter, when we've all been tested, twisted, torn, troubled and tired. Some have lost their temper; I confess I have. No doubt, some have lost faith in the process, question why we are here when we could be on a flight to Florida, as my family is right now to see a newborn nephew, or back in our districts with family and friends. Yet, we are here, and the fact that we are having a debate on whether to extend is sad, because regardless of how we got here, we still have a job to do.

I've spoken several times in the past year or two about running cross-country with the Representative from Ellsworth, who was a much faster runner than I in high school, rarely lost a race, as a matter of fact; but one thing we had in common is that we both started the race and we both finished it. Sure, it

was a lot harder for me, I had to have a guide, the hills were steeper, three miles seemed like 300 more often than not, and sometimes, when it got really bad, I'd find myself throwing up in the bushes. Pardon me for being graphic, Madam Speaker, but I never quit a race because the going got tough, and I never came in last, either. But that is where we are today, with the state potentially coming in last. And no matter how much we all hate that we're still here, no matter how much we all want to be somewhere else, we have a job to do, and the people who sent us here expect us to do it.

Some in this chamber really, really, really want tax conformity, Medicaid expansion, help for direct care workers who are grossly underpaid, money for the county jails, small children with funding to help children with severe developmental issues, a prison in Washington County, an end to the proficiency-based diploma mandate, a highway bond, every Maine law enforcement officer fully protected when they put on their uniform; and that's just a few issues that this herring choker from Downeast Maine can come up with off the top of his head. Every single one of us here has things we are passionate about, things we care deeply about, promises we made, and we owe it to the people who sent us here to at least try to resolve them as best we can, not walk away and take our chances that we may come back.

As I recall, a couple of years ago, there was an attempt to reconvene the House and Senate. At that time, members -- through a special session. At that time, members were polled whether they would support coming back or not. Whether that was the right decision or the wrong one, we never came back for a special session, and it was not a given we will come back for one if we walk out the door now.

Another point I want to address is what would happen if the shoe was on the other foot. What if any one of us on this side were in your position today, Madam Speaker: my friends on this side of the aisle were sitting on the opposite side, and you and your Democratic colleagues were sitting in our seats. I would hope you would extend. If you did not, I would have no problem saying you were obstructionists, undermining the institution of the Legislature, and weakening the very fabric of our state government; and I would, in my own opinion, I would be right, because regardless of who is in the Majority, regardless of who is in the Minority, regardless of what they want and what they need, we still have a job to do. If we walk away today, we are making it that much easier for the next Legislature to walk away, and the next and the next, and the 150th. Please think about whether it is worth such a precedent-setting maneuver. And if you don't agree with --

The SPEAKER: The Representative will defer. The House will be in order. The Representative may proceed.

Representative TUELL: And if you don't agree with any other argument I've made today, think on this; we lost two session days to weather this year. Our Committees lost the better part of a week. Where would we be if we had them back? When your kids' school is canceled, they make it up. When we cancel, we should be making it up. Have we really gotten so far away from common sense that we can't see what's right before us? I sincerely hope not, because I believe every single one of us, whether we have to go puke in the bushes or stumble across the finish line, knows that quitting is not an option. Thank you, Madam Speaker.

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

Representative KINNEY: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I stand in disappointment of the pending motion. At the time my

disappointment began in regards to that we would be in this place today, we hadn't yet had a double session or even a full five-day week in session. In fact, we had our first double session only yesterday; that is, if you can call a one-hour session in the morning and a one and a half-hour session in the afternoon a double session. Last week was the only week we've spent five days in one week in session. If we really needed this extra time in order to get our work done, we should've been here on Wednesdays throughout the month of March, not just the final week of March. We also should've been here on April 6th, a scheduled day that was canceled because we didn't have enough work to do. That was only a couple weeks ago. Maybe it's because we've Tabled too much work for later in today's session, which we in this chamber understand doesn't really mean later in today's session. Maybe it's because committees didn't complete their scheduled work by the deadlines set in statute. Maybe it's because leaders across the board ignored the rules and allowed too many carryover bills from the first session to this one. Or, maybe too many bills made it past Legislative Council that didn't meet requirements for second session bills, emergency and budgetary in nature. Or, maybe the rules don't apply to the 128th Legislature and I missed when we suspended them, though I don't think this is correct.

It is 6:04 p.m., April 18, 2018; statutory adjournment. It seems to me that if the business we have not completed yet was important enough to come before us, then we should've been here working when statute said we should be here. Instead, we're debating spending in the vicinity of \$40,000 a day for 186 legislators to receive per diem pay at the cost of Maine taxpayers, to do the work we failed to do over the last three and a half months. Thank you.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House, I am voting in support of an extension of session tonight, because I'm not ready to give up on the good work that we've done to move forward the serious energy policy for the State of Maine. This session, in my Committee we've worked tirelessly on an idea brought forward by the Chief Executive and the Representative from Newport. When they proposed LD 260 to create the Maine Energy Office, we came together and passed good bipartisan work to ensure that we can finally equip Maine with a well-staffed professional office that would chart our long-term future for energy. If passed and funded, this bill would allow Maine to stand up more effectively for our state's interests in the northeastern energy markets; markets which are complex, interrelated, and deeply impactful to Maine's economy.

It's often been said, Madam Speaker, that Maine's relatively high energy costs are a barrier to greater economic growth, and that's true, and LD 260 would help with that. There are some other priorities we've worked on. Broadband is one of those, and I want to thank the good Representative from Naples for the Maine by the Numbers flyer from the Maine Heritage Policy Center. It reminded me, Madam Speaker, that Maine is, as stated there, 44th, and that may be a little optimistic, actually, but by this number, 44th in average internet speed in the 50 states. We have work to do there as well. And there is a bill before the Appropriations Committee that would allow us to move forward on that. There's also a report, Madam Speaker, from the Department of Economic and Community Development, DECD, that just came out, and it calls for an investment in broadband, starting this year with a

minimum of \$40 million. Now, that may be more than we can afford, Madam Speaker, but I think the point the DECD is making, the point that the Maine Heritage Policy Center is making is that we have work to do, and we should not adjourn until that work is done.

Madam Speaker, there's a bill that we hope to act on before we adjourn regarding audits of a large utility that has had some issues with billing and a lot of concern from ratepayers. An investigation is ongoing at the Public Utilities Commission, and by law right now, Madam Speaker, the ratepayers will pay for that audit. The cost may be half a million dollars, it may be more. Our law says that the customers, who are the aggrieved parties in this case, will pay for that investigation. I hope that we don't adjourn tonight, Madam Speaker, before we've had a chance to vote on that bill.

Madam Speaker, we're not getting paid any more, and I understand that, but we have work to do. And growing up on a farm in Bowdoinham, I was taught that we didn't finish -- we didn't walk away until our work was done. Failing to extend the session tonight would erase this good work, these opportunities. I'm not ready to give up on our efforts to put Maine in greater control of our energy or broadband destiny, Madam Speaker, and so I urge all of my colleagues here to vote in favor of the pending motion. Thank you.

The SPEAKER: The Chair will remind Members that the House is in order. It's growing quite loud in here. If people have conversations, they are welcome to take them outside the chamber while we are in session. The Chair recognizes the Representative from Rockport, Representative Casás.

Representative **CASÁS**: Thank you, Madam Chair. I'll be very brief. I don't support the pending motion, but I'm going to vote in favor of it. I feel like it's kind of rewarding bad behavior, but I don't want to have our inability to work properly in this building negatively affect the citizens that we represent, so I will be voting in favor of the motion.

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

Representative **COOPER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It's been suggested that our failure to work into the wee hours last week or the week before is somehow the cause of our inability to finish our work tonight; but this is truly too simple an explanation, and an inaccurate one. As we all know, having been here for two sessions, at least, that's not the way legislation is considered. As late as last week, we were still receiving new bills from the Chief Executive. As late as this afternoon, we were still -- in Taxation Committee, we were still negotiating key elements of the conformity legislation, a matter which is near and dear to the interests of all Mainers. It just doesn't work that you have these things waiting to be considered and it's just a question of working hard and getting it done. There are many moving parts to this process, and they're not all under our control, so we need this time in order to do the people's work. We have an obligation to do the people's work. Anything less is a failure on our part. Thank you.

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

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion, simply because the delays here of getting work done have not been accidental. This is intentional. We've had plenty of chances to spend longer hours here and we just haven't done it. The tabling that goes on and on, day after day, tells me that these issues aren't

important. They surely aren't emergencies. We've had plenty of time do this, and right now we have about five hours and 45 minutes to finish the important issues. If we put them on the table, I'm certain we can do it before midnight. Thank you, Madam Speaker.

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

Representative **TIPPING**: Thank you, Madam Speaker. Madam Speaker, we're here until the job's done. It is a lie to say that we could finish the issues before us before midnight tonight. Madam Speaker --

The SPEAKER: The House will be in order. One person rising for a Point of Order is certainly sufficient, and whoever banged on their desk, if I saw who it was, would be removed from the chamber. That is one warning to every single person in this chamber. The Chair recognizes the Representative from Dixfield, Representative Pickett, and inquires as to what his Point of Order is.

Representative **PICKETT**: Thank you, Madam Speaker. Questioning the motives of other people.

On **POINT OF ORDER**, Representative **PICKETT** of Dixfield objected to the comments of Representative **TIPPING** of Orono because he was questioning the motives of other members of the House.

The SPEAKER: The Chair will remind the member, Representative Tipping, that a specific word he used was unacceptable in this Chamber. Please make sure your comments fall inside the lines of decorum while you are making your point.

The Chair reminded Representative **TIPPING** of Orono that it was inappropriate to question the motives of other members of the House.

The SPEAKER: The Representative may continue.

Representative **TIPPING**: Madam Speaker, I apologize to the body. It would be mistaken to say that we could finish all the important work that lies before us tonight. A red light on the board on this issue would be a red light on conformity. We have worked tirelessly in the Taxation Committee, across party lines, to come to a place where we could pass a bill in both chambers to achieve tax conformity this year. Madam Speaker, that bill has not touched the floor of this chamber since we sent it to Committee. It is through no fault of anyone in this chamber that that bill is not here, and even if it was here, there are two reports. To get that bill to a place where we could pass it in both chambers would require hours and hours of work from nonpartisan staff in this building. Madam Speaker, a red light on the board on this motion is a vote against conformity.

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

Representative **ACKLEY**: Thank you, Madam Speaker, Friends of the House. The theme of the day today seems to be fitting for the times: gridlock. That's the theme, gridlock. We seem to be unable to finish all of the governing that the voters sent us to do this session. We seem to be stuck. The people of Maine expect more. They did not send us here to try to dominate one another, to impose our will. They sent us here to find agreement. When the voters don't get satisfaction from a paralyzed government because we disagree then they resort to taking matters into their own hands. It's one of the reasons why we've had so many citizens' initiatives. It's one of the reasons why the level of public frustration with this body is high. It's why the voters, all too often, think that their votes do not count.

Madam Speaker, this Representative would like to say to my voters, the voters of Litchfield, Monmouth, and Wales, that it's getting late, it's getting late into the night, but I'm still here today because I'm ready to work through the issues that the voters sent me here to take a look at. I'm ready to come back tomorrow and I would be willing to come back another day. In fact, if you asked me to come back next week, I would do that, too, because it's what I signed up for. It's what they asked me to do. Madam Speaker, I think the voters have grown weary of a government that sits on its hands and refuses to do its job because we cannot find a way to talk to one another. They're tired of inaction, they've had enough of excuses, and they expect us to make state government work to address their needs at the speed that we all know is possible. Thank you, Madam Speaker.

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

Representative **FECTEAU**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think a really good example of work that has -- was just recently completed in Committee is LD 1654. I'm rising in support of the pending motion. LD 1654 is "An Act To Protect Economic Competitiveness in Maine by Extending the End Date for Pine Tree Development Zone Benefits." We met just last week in our Committee to wrap up a few more language changes. This has been a long process. If we adjourn today, we are potentially hurting hundreds of businesses statewide who would use the Pine Tree Development Zone credit to significantly reduce or eliminate state taxes for up to ten years, so that they can create good-paying jobs or move existing jobs back to Maine. In 2016, Pine Tree Zone-certified companies employed 32,000 Mainers, and of that, over 9,500 were jobs that were added after they became Pine Tree Zone certified. There was a payroll of over \$460 million in 2016 for those 9,500 jobs, with total payroll topping \$1.6 billion. The Department of Economic and Community Development testified before Committee the following: "There's no doubt in my mind that if this program simply sunsets, as it is due to sunset this year, at the end of this year, Maine's economy would suffer." I think it bears repeating: Maine's economy would suffer. Those businesses are in industries that include biotechnology, aquaculture and marine technology, composite material technology, environmental technology, advanced technologies for forestry and agriculture, manufacturing and precision manufacturing, information technology and financial services. We should not abandon our economy's backbone businesses, our ability to attract new ones, or the communities that rely on them, in the final hours of this session. I urge my colleagues in the House to vote in favor of the pending motion.

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

Representative **GATTINE**: Thank you, Madam Speaker, Women and Men of the House. Today I will vote in support of the pending motion and the extension before us for a very simple reason; it's got nothing to do with looking backwards and trying to point fingers at what's happened over the last few months, it's about looking forward. And, by looking forward, I mean that we have to recognize that the work of this chamber isn't done. We haven't finished our work. Now, let me focus a little bit about what's going on down in the Appropriations Committee. We met today and talked about it for a while. We have, as of last Friday, 125 bills on the Appropriations table. Since Friday, and the two days that we've been here in session, additional bills have landed on the Appropriations table. Those bills total over \$195 million in proposed spending

just in fiscal year 2019. These bills represent all of the work, Madam Speaker, that the members of this chamber have done, that the committees have done, that have been supported or opposed by Maine people who have driven here to Augusta from all over the state to voice their opinion, and I don't see how we can just walk away and leave all that work undone when all we need to do is stay here for a few more days and do the work that the people sent us here to do.

We know that -- you know, we talk a lot, obviously, down in Appropriations, we talk a lot about money, obviously. We know our revenue forecast projects Maine's General Fund will exceed original estimates by almost \$129 million. We didn't know that when we walked in here. We didn't know that until March. And we need to remember and understand that our fiscal health is only as meaningful as the health and well-being of Maine people. Right now, we are facing a devastating opioid epidemic, a significant number of children living in deep poverty, tens of millions of dollars in unmet needs within the Department of Health and Human Services, and an economy that demands the attention of all of us; and I know that you see all of that on a day-to-day basis in your committee work and in your communities, and I see it in my committee work and in my communities. That's why you submitted legislation. That's why we have bipartisan bills that support firefighters, and nurses, and people with intellectual disabilities, and seniors, and children and schools, and we need to do the work that we were sent here to do. So, Madam Speaker, I know this is a -- I know there seems to be quite a difference of opinion on this matter, but I think if we really thought about it and had cooler heads, we would understand that it's important to pass this motion, for us to stay here and get the job done that the Maine people sent us here to do. Thank you.

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

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Ever since I lost my job at Verso, this has been the only job I've got, so I'm poor; and one of the things that I do is I actually drive -- I drive for Community Concepts, so one of the things I've attempted to do is try to work around the schedule of being in the Legislature, which is what we mostly do. So, on the way in, I'll try to schedule some rides that mean I can drive my way in here so I can make a few bucks on my way in; and then two weeks ago, we were told that we were going to go into double session, so I had to re-change my whole schedule, only to find out we didn't have a single one. I set up days to have the day off on Friday for a particular vote that I wanted to be here, only the fact it got canceled. And today, I drove, between the time we left to the time we got back, over 200 miles, and got back before the session started. So, I think we've all had a lot of time.

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

Representative **TIMBERLAKE**: Madam Speaker, Ladies and Gentlemen of the House, I think there's been a lot of very kind comments here, but my dad told me when I was a young man that poor management on your part, son, does not create a crisis on my part. And, he told me that more than once in my life when I didn't get my homework done on time, or I didn't get my chores done on time, or I didn't get the other things done on time. We heard the Representative from Westbrook, Gattine, tell us that we still have a hundred and some bills left on the table in Appropriations.

Well, folks, for three weeks at Appropriations, if you look at our calendar, it says "to be determined." Ladies and Gentlemen of the House, Madam Speaker, we haven't worked

on but four bills on the Appropriations in the last three weeks, maybe five, I don't know; and we haven't had the world famous backroom discussions in Appropriations or nothing. There has been zero urgency at all, Madam Speaker, to get the job done. This is a game that has been played forever. There is a whole bunch of bills that the good Representative brought up that when we sat around the Appropriations table today, we could've very easily passed that ten or 15 bills off that are really important, independently, and sent them up here to stand on their own. It would've taken us all of ten to 15 minutes to do that. It was bills that we all agree on, the home healthcare workers, the nursing homes, and they could've come up and, remember, they don't have to go to us. The other body just takes them off the table and either passes them or not, and they go to the Chief Executive. They don't come back to us. So, to say that we need to do this in order to finish our work, I don't believe that's true. I believe the other body could do that today. As a matter of fact, when we go to have pizza this evening, the Appropriations Committee could go down and set around the horseshoe and vote off the ten or 20 or 30 bills that they want, independently, and send them up here.

Now, it's been said that we can't do that because that's not how we've done it in the past. Well, folks, there's a lot of things, Madam Speaker, that we haven't done in the past that we do here now. And I don't think the people of Maine would be upset if we went home, because I think the people of Maine, and the people of this great country, are getting sick and tired of watching politicians argue and fight over the most tedious things. So, I personally believe they would say good, go home and get out of our hair and stop doing damage. But we can fix the problem that needs to be fixed here today when we go to supper. We can go down to the Appropriations Table, we've seen it run in this place before, run a hundred bills in about 15 minutes. I think we did the Chief Executive's vetoes, I think we averaged 15 seconds a veto on a line item veto about four years ago; so to say that we cannot accomplish what we need to accomplish tonight and still go home, I don't necessarily, Madam Speaker, think that's true. So, I say that we got another five and a half hours, we go eat our pizza, we'll go to work, move those bills off the table, and we'll come out here and go home and everybody will be funded. Maybe tax conformity won't get done, maybe minimum wage won't get slowed down, maybe Medicaid expansion won't happen, but it'll be there, and we can always come back if it's a crisis. This isn't an emergency session. We're over it. Thank you.

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

Representative **GOLDEN**: Thank you, Madam Speaker. Madam Speaker, we've been here for three or four months now, we've had a lot of time, it's been a long process, it's been a slow process. Everyone here knows legislative time is slower than normal time. A lot of hurry up and wait. And along the way, there's been some good work that's been done. We've passed some important laws since we came here. There's also been a lot of bills that have been rejected.

To be completely honest, we all know that the majority of bills that get brought forward in every Legislature, in every session, fail. And when I look at the long list of thousands of bills that have been brought forward since I was elected, I think, frankly, we can all agree that's probably a good thing. The legislative process is, out of necessity, slow and grinding. It's supposed to be thoughtful and deliberative. It's slow. There's all kinds of different ways that bills come forward and they fail. Some of them don't get weeded out and they climb

their way up and go forward because they're necessary, and they become law. We've seen bills that never make it out of Committee. Some bills never make it to Committee; they die on referencing between the two bodies. We see bills that die between these chambers when we can't come to an agreement, finding compromise. That's okay. There's also a limited number of bills almost every year that are, I think, worthy of long, thoughtful deliberation, and they usually make their way down into Appropriations where they're placed on the Approps table. Like I said, it's a good, slow process. It's meant to be this way. These are tough, complex issues that we're struggling with that require complex solutions and, you know, almost every year that I've been here, around this time of year, there's all of a sudden this building pressure, a rush all of a sudden to try and get things done. It reminds me of a saying, that slow is smooth and smooth is fast.

There's no need to hurry right now. We can choose to stay here a little bit longer and keep working to try and solve some really important issues for the people of the State of Maine. We can stay at the table, continue to seek compromise, work together on bills that are still here in this chamber, still here in this building, some down at Appropriations; try to help people in Maine, like nursing home, homecare workers that care for our seniors and people with disabilities. There's a transportation bond to fix our roads and bridges. That's something we've been able to get done every year since I got here, because I know we all care about the well-being of our infrastructure. We've got to help Mainers that are struggling to overcome opiate addiction, take steps to meet our workforce needs, like recruiting and training more nurses. It's commonly known that we have a massive workforce shortage problem in this state. We have to try and expand healthcare coverage to 70,000 Mainers, as we were directed to do by Maine voters last November; these and many other all-important priorities to many of us on both sides of the aisle; and we know that some time, actually right here before us right now, a vote is going to be taken whether or not to extend this session and stay here to continue negotiating in good faith. But, to do that, we need to have four willing partners to commit to keep working hard to find compromise, so that we can do our job and accomplish the work that we were sent here to do. Every individual here in this chamber has a decision to make. Vote to stay at the table and find compromise, if we can. It's not a given, but we ought to try; or we can let the gridlock stand in the way. I, personally, will be voting for compromise, and I encourage all of my colleagues in the House, Madam Speaker, to follow my light. Thank you very much.

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

Representative **HERBIG**: Thank you, Madam Speaker, Women and Men of the House. Last year, dozens of developmentally and intellectually disabled Mainers and their loved ones came to the State House to ask us for desperately-needed funds for the critical services they rely, that each of them rely on, that each of their family members desperately rely on. We looked them in the eyes and told them we would. We promised them we would stop cutting reimbursement rates for the group homes that they live in. We promised them we would shorten the waitlist so they can finally access the care they need now, instead of waiting up to eight years for help. We promised them the state was done deciding that they were not worth the cost of care. We promised them that we would fund half of what they needed in the biennial budget, and that we would come back this session to finish the job, to do our jobs. We still haven't done that. I am voting in support of the

extension so we can keep our promise to the developmentally and intellectually disabled Mainers who are counting on us.

And, Madam Speaker, as the good Representative has said before me, a lot of Mainers are counting on us right now. Business owners and their employees, firefighters, rural communities across our state are all counting on us. They are waiting for legislation that we are currently working on to be funded. If we choose to walk away from them now, at the finish line, Madam Speaker, they will remember. You know, if you don't want to do the work, don't run for the Legislature.

The SPEAKER: The Representative will defer. The Chair recognizes the Representative from Chelsea, Representative Sanderson, and inquires as to her Point of Order.

Representative **SANDERSON**: It's been a long day, Madam Speaker, that's perfectly fine. You know, I don't think that comment, if you don't want to do the work don't run for the Legislature, was appropriate. The whole point of what we are trying to say is we've wanted to do the work but we've wanted to do the work in a timely manner, and I feel that comment was out of order.

On **POINT OF ORDER**, Representative SANDERSON of Chelsea objected to the comments of Representative HERBIG of Belfast because she was questioning the motives of other members of the House.

The SPEAKER: The Chair will remind the Representative, in her comments, to remember that comment was not appropriate.

The Chair reminded Representative HERBIG of Belfast that it was inappropriate to question the motives of other members of the House.

The SPEAKER: The Representative will continue.

Representative **HERBIG**: Thank you, Madam Speaker. If you are unwilling to remain at the table to do your job, don't work for the people of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Prescott.

Representative **PRESCOTT**: Thank you very much, Speaker, and Members of the House. I agree; let's stay and get this job done. I recommend we pull female genital mutilation with the Senate Amendment right off the table right now and vote on it.

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

Representative **PERKINS**: Thank you, Madam Speaker. I wasn't going to rise but I just, I'm compelled because I like to work. I'm here every day, every day that I'm required to be here, every time, bright and early. I think we missed our call here because we're here to be at 10 o'clock, we don't start until 11:40. I think we got to go to work. That's what we're here for. I'm just so upset when someone says if I don't want to do my job, don't be here. That really bothers me. Thank you, Madam Speaker.

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

Pursuant to 3 M.R.S.A., Section 2, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**.

ROLL CALL NO. 630

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

Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Strom, 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, Fredette, 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, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Chapman, Sherman, Ward.

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 Joint Order **FAILED PASSAGE** in **NON-CONCURRENCE** and was sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

Representative **GROHMAN**: Thank you, Madam Speaker. If I could have everyone's attention for a minute, just to make a quick announcement. I want to thank everybody for all of your help with the Vietnam ceremony. It was a good day and the pictures are ready online, hopefully you found that, and I've ordered prints of each of you with the veterans that you invited, and the Bureau of Veterans Services will be delivering those to you; and if you'll indulge me, I'd like to do just one more quick thing. I think when I read the names of the Mainer's still missing in action from Vietnam, maybe some of you noticed there was a Terry Hanley and I'd like to give a very quick backstory on that, if I may.

Terrence Hanley disappeared from the skies over North Vietnam on January 1, 1968. Terry was the fifth of 10 children born to Florence and Edward Hanley of Gardiner. He graduated from Gardiner High School and from St. Anselm College with highest honors. He then enlisted in the U.S. Navy, attended flight school and was assigned to fly off an aircraft carrier. Newly married and expecting his first child, Terry was stationed in the Philippines at Cubi Point. After a long tour of duty, for his last mission, he was assigned with two others to fly as a co-pilot aboard an A3 Skywarrior reconnaissance aircraft over North Vietnam. The plane was to fly from the naval station in the Philippines to their target area and then recover at Da Nang Air Base, South Vietnam, for refueling. The mission was for surveillance of enemy lines of communication. They were flying at low altitude but encountered anti-aircraft missile fire and were hit. The aircraft flew for about 20 minutes longer, turned southeast toward the South China Sea, at which point it disappeared from the radar. No further contact was made with the aircraft. The Navy conducted an intensive search, but no trace of the plane or its

occupants were ever found. Terry never met his only child, a son, Terry, Jr., who was born a few months after his disappearance. His parents never had proper closure regarding their beloved son before they died. Without a body, there is always lingering doubt, even in the face of reality. I think we all hope for the day when that flag-draped coffin will come home. He left a small town to fight the good fight. He will not be forgotten. Lieutenant Terrence Higgins Hanley, the older brother of the good Representative from Pittston, was a true American hero. Thank you, Madam Speaker.

CONSENT CALENDAR

First Day

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

(H.P. 1327) (L.D. 1894) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-782)**

On motion of Representative HERBIG of Belfast, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the **Unanimous Ought to Pass as Amended Report**.

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

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

ROLL CALL NO. 631

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Espling, Farnsworth, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Gillway, Golden, Grant, Guerin, Haggan, Hamann, Handy, Harlow, Hawke, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kornfield, Kumiega, 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, Perry, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Sirocki, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Warren, Winsor, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Craig, Dillingham, Farrin, Fredette, Ginzler, Grignon, Hanington, Hanley, Harrington, Harvell, Head, Hilliard, Kinney J, Kinney M, Lockman, Lyford, Mason, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pierce J, Prescott, Reed, Sanderson, Simmons, Skolfield, Stetkis, Stewart, Strom, Sutton, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Wood.

ABSENT - Grohman, Herrick, Pickett, Sherman, Ward.

Yes, 104; No, 42; Absent, 5; Excused, 0.

104 having voted in the affirmative and 42 voted in the negative, with 5 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-782)** 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-782)** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation
(S.P. 657) (L.D. 1770)

(S. "A" S-485 to C. "A" S-473)

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. 82 voted in favor of the same and 66 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**.

On motion of Representative FECTEAU of Biddeford, the House **RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED**.

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

Emergency Measure

Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County

(S.P. 257) (L.D. 812)

(S. "A" S-481 to C. "A" S-444)

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. 129 voted in favor of the same and 13 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act Expanding the Authority of the Maine Elder Death Analysis Review Team To Investigate Deaths and Serious Injuries of Persons with Intellectual Disabilities or Autism

(H.P. 1164) (L.D. 1676)

(C. "B" H-770)

An Act To Create The Barbara Bush Children's Hospital Registration Plate

(S.P. 621) (L.D. 1685)

(S. "A" S-482 to C. "A" S-348)

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.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

UNFINISHED BUSINESS

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

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2018-19 (EMERGENCY)

(H.P. 1297) (L.D. 1862)

(C. "A" H-712)

TABLED - April 12, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - PASSAGE TO BE ENACTED.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 12 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-768)** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Create the Maine Energy Office"

(H.P. 193) (L.D. 260)

TABLED - April 17, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-768)** 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-768)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-472)** - Committee on **Labor, Commerce, Research and Economic Development** on Bill "An Act To Protect Economic Competitiveness in Maine by Extending the End Date for Pine Tree Development Zone Benefits " (EMERGENCY)

(S.P. 611) (L.D. 1654)

Which was **TABLED** by Representative HERBIG of Belfast pending **ACCEPTANCE** of the Committee Report.

Representative HERBIG of Belfast **REQUESTED** a roll call on **ACCEPTANCE** of the **Unanimous Ought to Pass as Amended Report**.

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

ROLL CALL NO. 632

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

NAY - NONE.

ABSENT - Herrick, Sherman, Ward.

Yes, 148; No, 0; Absent, 3; Excused, 0.

148 having voted in the affirmative and 0 voted in the negative, with 3 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-472)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as **Amended by Committee Amendment "A" (S-472)** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

ENACTORS
Acts

An Act To Increase Transparency in the Direct Initiative Process

(H.P. 1301) (L.D. 1865)

(C. "A" H-714)

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.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

Bill "An Act To Prohibit the Practice of Female Genital Mutilation of a Minor"

(S.P. 732) (L.D. 1904)

Which was **TABLED** by Representative HERBIG of Belfast pending **FURTHER CONSIDERATION**.

Representative ESPLING of New Gloucester moved that the House **RECEDE AND CONCUR**.

The same Representative **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.

Representative **SIROCKI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, April is National Child Abuse Prevention Month and this morning we recognized that this is the Week of the Young Child. ACEs, what's known as adverse childhood experiences, is something that people that work with young children are very familiar, with and this vote here ties in quite well since this is a form of child abuse.

Ayaan Hirsi Ali is a well-known Somalian-born human rights activist who, at age five, underwent female genital mutilation while her parents were away on vacation and she was left in the care of her grandmother. She did not know the person that cut her; and regarding genital mutilation, Ms. Ali said, "It happens, and it happens a lot, and people don't really like talking about the genitals of little girls and what we see is that people are willing to sacrifice the rights of these little girls at the altar of identity politics." Encouragingly --

The SPEAKER: The Representative will defer. The Representative, I think, is aware that she is impugning the motives of other members. The Representative will defer from doing that.

The Chair reminded Representative SIROCKI of Scarborough that it was inappropriate to question the motives of other members of the House.

The SPEAKER: The Representative may proceed.

Representative **SIROCKI**: Thank you, Madam Speaker. Encouragingly, countries from around the world and states across this nation are doing their part to stop this centuries-old form of child abuse. We have heard that FGM is not happening here in Maine, but about two years ago, Maine was selected as one of only eight states to receive federal funding for a culturally-sensitive education and outreach program specifically targeting FGM in Maine's high-risk locations. If little girls in Maine are not at risk, then why are we receiving more than \$200,000 a year from the Federal Government to help prevent FGM? It is because little girls in Maine are at risk.

UNICEF identified that 98% of all Somalian females have experienced FGM, Djibouti 93%, Sierra Leone 90%. Five years ago, the Population Reference Bureau identified 399 girls at risk here in Maine, and the US Citizenship and Immigration Services estimated there were more than 500,000 females at risk in the United States. MaineCare utilizes ICD-10 billing codes. Several very specific billing codes involving female genital mutilation have been submitted for reimbursement here in Maine. Medical providers are encountering FGM here in Maine. As a matter of fact, the Maine Access Immigrant Network conducted a survey, and a number of doctors in Portland, Maine reported that between five and 25% of their patients had undergone FGM. I found that number staggering; up to one in four patients?

The question, then, is not where is the evidence that a little girl has been mutilated in Maine, the question is are there little

girls living in Maine that are at risk? The answer is clearly yes, there are girls at risk.

Today we have the opportunity to do our part and send a strong message that Maine is serious about human rights. Today we can vote to protect little girls who have been identified as at risk for FGM from harm. Today we can send a clear message that Maine will hold all persons accountable that are responsible for this crime.

The Committee report is nearly identical to recently passed legislation in other states; and to be clear, do the victims I have spoken with think an outreach program is valuable? Yes. Educating the affected community and the medical community is important, and this report includes an outreach and education program. Do the victims feel strong laws will serve as a deterrent? Absolutely. One FGM survivor testified at the public hearing that she is a Christian from Sierra Leone, and she was blindfolded and mutilated at the age of 11. At the time of her cutting, she was in the care of her stepmother. The version of the bill, this bill recognizes that many other people are involved in this crime, and they should all be held accountable. Both Committee reports that were the result of this bill extend the statute of limitations to age 25, because the crime frequently happens to very young girls and may be especially difficult for young children to speak up, but Maine's accomplice statute only works if the cutter is arrested. FGM survivor F.A. Cole wrote, "Education outreach programs may help to some degree, but without laws in place to hold perpetrators liable, money spent on these programs may be a waste. At-risk girls should be protected from this inhumane practice by protecting them from family and community members who may subject them to the practice, whether in Maine or in another country while on holiday," also known as vacation cutting.

Why is including the consent of the person with custody of the child so important? To answer this question, I sought the opinion of Elizabeth Yore, a well-known child advocate and former employee of Oprah Winfrey. She wrote, "I strongly urge that the Maine FGM bill criminalizing the person that has immediate custody of the child because the crime would not occur without that person. They initiate, orchestrate, consent, pay for, allow, permit the crime,." Ms. Yore also strongly wrote in favor of the Majority Report because it holds all persons intimately involved with this crime accountable, not just the person holding the razor.

Next question; is the current penal code sufficient? To answer this question, I turned to last year's testimony from the Maine Prosecutor's Association. "The prosecutors do not feel confident that they can charge someone with committing female genital mutilation without the passage of this bill."

Cases have failed in this and other states that utilize culture as a defense. One recent case that involved domestic violence against a pregnant woman in nearby New Hampshire was lost; charges were dropped and attributed to cultural incompetence. Not fully understanding our culture is no excuse for assault and is no excuse for a human rights violation, and it is no defense to the crime of child abuse. The United Nations has called for zero tolerance of female genital mutilation. This Majority Report sends that message. We do not want this to happen to one girl, not one.

I urge you to support the pending motion to Recede and Concur, to protect them and, heaven forbid, if one girl is harmed, to arm the prosecutor with effective statutes to help her seek justice. Our neighbor, New Hampshire, voted last week in support of nearly identical legislation; Michigan voted unanimously last summer; Virginia, again unanimously; US

Congress voted unanimously to triple the penalty in November, and they can't seem to do anything unanimously. It is time for Maine to join the national and international community. Let's stand together, zero tolerance. Please follow my light. Thank you, Madam Speaker.

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

Representative **NADEAU**: Thank you, Madam Chair. Whereas I respect both sides of this bill, I am on the Majority Report. For me, FGM is an example of a terrible assault on young girls, and I am compelled to do all I can to protect them. This is why I am on the Majority Report and will vote with the Recede and Concur. Thank you.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I rise in support of the Recede and Concur motion. The Majority Report sends a strong message that the State of Maine stands in solidarity with 26 other states and the international community to help protect at-risk little girls. If other states, and even US Congress, are passing strong legislation with unanimous votes, why not Maine?

Female genital mutilation is a tragic human rights violation that should not be ignored. Last year, we just heard, Michigan finally got serious and unanimously passed specific anti-FGM laws. What was the trigger? Well, two little girls were cut. They were seven years old. They were from another state that had a strong -- had strong state laws. Their parents told the girls they were going on a special trip. As we just heard, it's known as vacation cutting. Perhaps if there had been a strong state law in Michigan, this would not have happened. The parents chose to take the girls to Michigan from their home in Minnesota for a reason. It is time for Maine to join 26 other states. Please vote to Recede and Concur. Thank you, Madam Speaker.

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

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion.

A few days ago I was forwarded an email message entitled Help Us Stop a Treacherous Bill. Some of you may have seen it. The message stated, "You may have already seen that the Maine Legislature is considering a bill, LD 1904, drafted as a ban on female genital mutilation, or better known as FGM, a harmful and damaging practice performed on girls to control their sexuality. Below are some important things to know about this bill, and why it is masquerading as helpful to Maine girls and families. First, FGM is not happening in Maine. Second, FGM is already a crime under the criminal code in both Maine and the United States. Criminalization, especially when it includes parents, creates barriers to healthcare for women and girls in immigrant communities." And the email goes on to say the bill is anti-Muslim and that "Representative Sirocki has introduced an extreme FGM bill to the Legislature." The Women's Lobby also urges Ought Not to Pass on LD 1904 and calls the bill unnecessary and harmful bill to prohibit the practice of female genital mutilation.

So, Madam Speaker, one must ask oneself, with this logic, is the Women's Lobby saying that we should repeal laws that criminalize acts of violence against children because the parents might be afraid to seek medical attention if they have crossed a line and endangered their child? To set the record straight, Madam Speaker, LD 1904 is not Representative

Sirocki's bill. It is a Committee bill. The Criminal Justice and Public Safety Committee members killed the Governor's Bill, LD 1819, and they also killed Representative Cardone's bill, LD 1822. Madam Speaker, LD 1904 incorporates many pieces of both of these bills. This bill has been called treacherous by the Maine Women's Lobby. I ask you, is it treacherous to want to protect little girls that are at risk in Maine from an act that is widely viewed as a violation of human rights and regarded as child abuse? I think not, Madam Speaker.

Legislation is passed all around the country, unanimously passed, to protect little girls from this brutal practice. Is that treacherous? I think not, Madam Speaker. The existing criminal code does not make it clear that all persons responsible may be held accountable. There is disagreement among prosecutors on whether Maine's existing criminal code is sufficient. Madam Speaker, is correcting this deficiency in our laws treacherous? I think not. LD 1904's Majority Report would simply make it very clear that all persons involved with this form of child abuse will be held accountable. Passing this bill will remove little girls from harm's way. There is no way the Majority Report can be construed as treacherous. Madam Speaker, the only treachery here is the Women's Lobby abandoning little girls. Please, Madam Speaker, follow my light, and vote to Recede and Concur. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor, and there are four members in the queue.

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'll be quick. I rise today in support of the motion to Recede and Concur.

This headline is dated March 30, 2018; "Global Support Needed to Completely Eliminate the Practice of FGM." Millions have been traumatized by female genital mutilation. The practice must end. Katherine McKenzie, faculty at Yale School of Medicine, director of the Yale Center for Asylum Medicine and Public Voices, fellowed with the op-ed project, and I quote: "While female genital mutilation, FGM, is traditional in some cultures, there are no medical benefits to the procedure and it violates a girl's human rights. According to a recent UNICEF report, FGM is practiced in 30 countries and at least 200 million girls and women alive today have undergone FGM. The international day of zero tolerance of FGM last month highlighted the importance of eliminating this practice. As we contemplate the gains women have made during March's Women's History Month, we must recognize that girls worldwide continue to be at risk for lasting damage through FGM. Together with the medical community, families worldwide need to support the complete elimination of this practice and keep girls safe, healthy, and unharmed, 3-29."

I stand with the United Nations' zero tolerance. Thank you, Madam Speaker.

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

Representative **TURNER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise today in support of the motion to Recede and Concur.

I've asked myself these two questions; even if I feel female genital mutilation is not happening here, what harm is there in passing a law that sends a strong message of deterrence? If this saves one little girl from a life of psychological and physical harm, isn't it worth it, Madam Speaker? I stand with the United Nations and 26 other states: zero tolerance. I urge you to support the pending motion to Recede and Concur. Thank you, Madam Speaker, Ladies and Gentlemen of the House.

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

Representative **MASON**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I rise in support of the motion to Recede and Concur.

Here in the United States, the Federal Government and 26 states have prohibited the act of female genital mutilation. Sixteen states have also criminalized any consenting person that has immediate custody of the child, and 11 states now prohibit the transporting of a child out of state for the purpose of FGM. Holding all persons responsible that are involved in this horrific human rights violation is the right thing to do. Little girls that are abused deserve justice. I stand with the United Nations' zero tolerance. Please vote to Recede and Concur. Thank you, Madam Speaker.

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

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. I also rise in support of Recede and Concur.

I'm not going to speak to you about the United Nations or other states, but what I'm going to try and do is tell you how I would feel and appeal to you as parents. I have a daughter, a daughter whom I love, as many of us in this chamber do have daughters. And when I close my eyes and I imagine somebody holding my daughter down and, without anesthesia, taking a razor to her genitals while she screams, it quite honestly makes me nauseous. I can't imagine anybody in this chamber could close their eyes and picture their daughters and having that done to them as well. I can't imagine anybody in here who advocates for children and the welfare of children imagining the faces of any of the children they teach or advocate for undergoing such a horrific act.

We have been accused of being racist for supporting this by some, and I have to say I don't understand how that can possibly be. We're trying to protect little girls; little girls who are being held down by adults, tortured, mutilated, some set up for a lifetime of pain, and they have to have further surgery later on in their lives to correct what is done to them at the hands of adults. It's horrible. If I were to contract with somebody, make arrangements to harm my child, leave FGM out of it, but to harm my child in any way, I would be held responsible, and I should be, because shame on me if I ever did that to my daughter or any of my children. Why should innocent victims of female genital mutilation be not given that same right, that same -- be afforded that same right of having that protection? Why shouldn't the people who conduct or arrange this type of torture and child abuse on their children be held accountable? As parents, as people who try to do the best we can for the children in our state, to protect them, please, I hope you will vote to Recede and Concur. Close your eyes and imagine your own daughters. Thank you.

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. 633

YEA - Austin S, Babbidge, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, Nadeau, 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, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, 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, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, 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.

ABSENT - Grohman, Herrick, Sherman, Ward.

Yes, 70; No, 77; Absent, 4; Excused, 0.

70 having voted in the affirmative and 77 voted in the negative, with 4 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

ENACTORS

Emergency Measure

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 1327) (L.D. 1894)

(C. "A" H-782)

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

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

UNFINISHED BUSINESS

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

Bill "An Act To Require the Provision of Photographic Identification by Voters"

(H.P. 1283) (L.D. 1846)

(Committee on **VETERANS AND LEGAL AFFAIRS** suggested)

TABLED - February 27, 2018 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - REFERENCE.

Representative LUCHINI of Ellsworth moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 634

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, 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, White, Winsor, Wood.

ABSENT - Grohman, Herrick, Sherman, Ward.

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 Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

Bill "An Act To Create the Office of the Public Defender and Amend the Duties of the Maine Commission on Indigent Legal Services"

(H.P. 1292) (L.D. 1854)

(Committee on **JUDICIARY** suggested)

TABLED - March 6, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - REFERENCE.

Representative MOONEN of Portland moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 635

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, 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, Guerin, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan 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, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Grohman, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, 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, White, Winsor, Wood.

ABSENT - Herrick, Sherman, Ward.

Yes, 81; No, 67; Absent, 3; Excused, 0.

81 having voted in the affirmative and 67 voted in the negative, with 3 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

Bill "An Act To Align State-funded Benefits with Federal Eligibility Standards"

(H.P. 1306) (L.D. 1873)

(Committee on **HEALTH AND HUMAN SERVICES** suggested)
TABLED - March 22, 2018 (Till Later Today) by Representative HYMANSON of York.

PENDING - **REFERENCE**.

Representative HYMANSON of York moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 636

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, 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, White, Winsor, Wood.

ABSENT - Herrick, Sherman, Ward.

Yes, 79; No, 69; Absent, 3; Excused, 0.

79 having voted in the affirmative and 69 voted in the negative, with 3 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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)

(Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested)

TABLED - March 27, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **REFERENCE**.

Representative FECTEAU of Biddeford moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 637

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

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

ABSENT - Herrick, Sherman, Ward.

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 Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

Bill "An Act To Streamline the Management of Maine's Transportation Infrastructure by Initiating the Process of Terminating the Maine Turnpike Authority"

(H.P. 1322) (L.D. 1890)

(Committee on **TRANSPORTATION** suggested)

TABLED - March 28, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **REFERENCE**.

Representative McLEAN of Gorham moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 638

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Cebra, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrema, 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, Wood, Zeigler, Madam Speaker.

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

ABSENT - Herrick, Sherman, Ward.

Yes, 83; No, 65; Absent, 3; Excused, 0.

83 having voted in the affirmative and 65 voted in the negative, with 3 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

Bill "An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents by Requiring the Use of a Federal Immigration Verification System"

(H.P. 1326) (L.D. 1893)

(Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested)

TABLED - March 29, 2018 (Till Later Today) by Representative FECTEAU of Biddeford.

PENDING - **REFERENCE**.

Representative FECTEAU of Biddeford moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 639

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, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrema, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, 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, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, 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, White, Winsor, Wood.

ABSENT - Herrick, Sherman, Ward.

Yes, 79; No, 69; Absent, 3; Excused, 0.

79 having voted in the affirmative and 69 voted in the negative, with 3 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

Bill "An Act To Allow Minors To Work in a Family Business without Obtaining a Work Permit"

(H.P. 1341) (L.D. 1905)

(Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested)

TABLED - April 10, 2018 (Till Later Today) by Representative FECTEAU of Biddeford.

PENDING - **REFERENCE**.

Representative FECTEAU of Biddeford moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 640

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

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

ABSENT - Herrick, Sherman, Ward.

Yes, 75; No, 73; Absent, 3; Excused, 0.

75 having voted in the affirmative and 73 voted in the negative, with 3 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

Bill "An Act To Allow Adults To Purchase Tobacco Products"

(H.P. 1344) (L.D. 1906)

(Committee on **HEALTH AND HUMAN SERVICES** suggested) TABLED - April 12, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **REFERENCE**.

On motion of Representative HYMANSON of York, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 1023)

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

April 18, 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 Veterans and Legal Affairs on Bill "An Act To Authorize Tribal Gaming" (H.P. 838) (L.D. 1201) in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

CONSENT CALENDAR

First Day

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

(H.P. 487) (L.D. 696) Bill "An Act Regarding Insurance and Financial Services" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-772)**

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

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

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

SENATE PAPERS

Non-Concurrent Matter

Joint Order To Extend the Legislative Session

(S.P. 742)

READ and FAILED PASSAGE in the House on April 18, 2018.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Joint Order was **READ and PASSED** in **NON-CONCURRENCE**.

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 Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. It's late tonight, and I'm certainly not going to make a case for one -- for the additional dialogue on this topic. I, for one, am looking forward to the opportunity to continue to work to resolve the issues that affect the constituencies in my district and throughout the State of Maine. But what I'd like to add is a quote that I hope will help perhaps provide some levity for us all as we move forward. It says, "Let us not seek the Republican answer or the Democratic answer, but the right answer. Let us not seek to fix the blame for the past, let us accept our own responsibility for the future." John F. Kennedy.

I hope these words will help us as we take a deep breath, we step back and we reflect upon our own personal responsibility and collective responsibility as we move forward, and I look forward to that opportunity to work together to find some common sense solutions for the people of Maine. Thank you, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It's been a long day, and as I reflect upon the work of the day, I reflect upon the work that this body does together; and I'm discouraged by

comments made earlier in the day about motives and purposes of folks on this side of the aisle, because, as I believe, everybody in this body has an intent to try to move Maine forward. We may have different beliefs and values than that side of that aisle, and that's what makes this country great.

Now, I think it's important to step back and realize, sort of, where we are, folks. We are not at the end of the First Legislative Session, whereas if we don't pass a budget, state government shuts down, roads and bridges get shut down and everything gets shut down. We are in the middle of a biennial budget, but we have funding for programs for two years, and now we are approximately nine months into the very first year of that biennial budget that we passed. The sky is not falling. Government will continue to function tomorrow. The bills will get paid, people will go to work, life will go on. We have funded government for two years.

Now, the question before us now is whether or not we want to extend this legislative session, and our Constitution says, in Article IV, Section 1, that the Legislature shall enact appropriate statutory limits on the length of the First Regular Session and the Second Legislative Session, and earlier legislators have done that. They did that in Title 3, Section 2, and it states: "The Legislature, in cases of emergency, shall by a vote of two-thirds of the members of each House present and voting, extend the date for adjournment for the first or second legislative session by no more than five days, and in the case of further emergency, may by a vote of two-thirds of the members of the House present and voting, further extend the date" for a second. "The times for adjournment for the First and Second Regular Session may also be extended for one additional legislative day for the purpose of considering possible objections of the Governor to any bill or resolution presented to him by a Legislature under the Constitution, Article IV, Part Third, Section 2." So, the Constitution and the statute emerged to give us guidance on how we function as a constitutional government.

So, the question before us today is whether or not we adjourn the Second Regular Session, and it requires a two-thirds vote, which is meant in part to protect the rights of the minority. Now, in case you weren't just paying attention, the majority just killed about ten of our bills, and the majority gets to do that. The rules allow for it. But the Constitution and the statute that was passed to effectuate the Constitution also allows the minority rights.

Now, the sky is not falling. The second year of the biennial budget will not even begin until July 1, two and a half months away. The Constitution allows us as a body to decide to come back and do additional work by a majority vote of each of the caucuses. I met earlier with the Chief Executive, and the Chief Executive can call us in to continue to do the people's work. Now, we just had a lot of bills that just came before us and we worked through them relatively quickly. By my calculations, it seems to be that the major issues left before this body that we need to work on are probably a budget, tax conformity, conversation about bonds. Those conversations, I suspect, are going to continue tomorrow and the next day and the next day, and we will figure out a process forward to get the people's work done.

However, the minority, the folks on this side of the aisle, have a right to exercise their rights, and I believe, by our folks on this side of the aisle exercising their rights in regards to not extending this session, put us in a position of equality with the majority, so that when we are having conversations about tax conformity and the budget and bonds, it allows us parity, and I think the framers of the Constitution envisioned that. And so,

while people want to say the sky is falling and, you know, we've not met our obligations, and if you don't want to do the job don't run for office, shame on you. We've been here, we've been ready for work since 8:30 this morning, and we will continue to be ready to work, figure this out, and get the job done for the people of Maine in a process that I believe allows us equality with the majority, and therefore, I believe, better and more fair legislation for the people of Maine. Therefore, I urge you to vote not to extend at this time, understanding that we have avenues to continue to work and get the work done for the people of Maine. 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. With all due respect to the gentleman from Newport, I do not believe the issue is equality of power between the two sides of the aisle. It's irrelevant. What is at stake is the needs of the people of Maine to conduct their business as expeditiously as possible. Doing it in a special session is no excuse -- the possibility of doing this additional work in a special session is no excuse for not doing it right now while we're all here and prepared to do it. Thank you.

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.

Pursuant to 3 M.R.S.A., Section 2, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**.

ROLL CALL NO. 641

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

ABSENT - Chapman, Herrick, Sherman, Ward.

Yes, 82; No, 65; Absent, 4; Excused, 0.

82 having voted in the affirmative and 65 voted in the negative, with 4 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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

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

Representative **BABBIDGE**: Madam Speaker, I'd like to make a statement for the record. I would like to rise in order to say something profound or inspiring, but it's actually precisely the opposite.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. While we're having debate and the Speaker was asking if all had voted and was about to close the vote, I looked up and saw no light behind my name, and leapt for the button and touched it and beat your closing of the vote, only to discover that I had hit the wrong button. So, regarding Roll Call No. 633, had I voted as I had intended on LD 1904, I would have voted nay. Thank you, Madam Speaker.

The **SPEAKER**: The record shall so reflect.

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

An Act To Correct Errors and Inconsistencies in the Laws of Maine (EMERGENCY)

(H.P. 1327) (L.D. 1894)
(C. "A" H-782)

Which was **TABLED** by Representative HERBIG of Belfast pending **PASSAGE TO BE ENACTED** and later today assigned.

Representative **ESPLING** of New Gloucester inquired if a Quorum was present.

The Chair declared a Quorum present by observation.

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

Representative **ESPLING**: Thank you, Madam Speaker. Permission to ask a question through the Chair?

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

Representative **ESPLING**: There has been some questions about whether this involves Clean Election funding or some changing of a date, and so I'm just looking for someone who could clarify if that's in this bill and what that means. Thank you.

The **SPEAKER**: The Representative from New Gloucester, Representative Espling, has posed a question through the Chair if there is anyone who is willing and able to answer. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker. It's a good -- the question that the good Representative from New Gloucester asked, in regards to what I believe is a language in this particular bill which is for a \$3.9 million transfer to the Maine Clean Election Fund, is of importance to our side of the aisle, and so if somebody can provide us some guidance on whether or not that's in there, that would be helpful; and I will also ask the Speaker to be recused from this vote. Thank you.

Representative **FREDETTE** of Newport asked leave of the House to be excused from voting on L.D. 1894 pursuant to House Rule 401.12.

The **SPEAKER**: The Member's request has been denied.

The Chair denied the request.

The **SPEAKER**: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise just to

try to answer the question that was posed a moment ago. In this errors bill, we do have a correction from the biennial budget. As part of the budget deal, we did make a transfer to move money forward; however, there was an error in how it was drafted, in that it created a negative allocation in the fiscal year 2019, so this does not transfer any new money, it just gives them the authority to spend the money that's already in their account.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 83 voted in favor of the same and 61 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

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

SENATE PAPERS

The following Joint Order: (S.P. 748)

ORDERED, the House concurring, that all matters not finally disposed of when the Legislature adjourns sine die in the Second Regular Session of the 128th Legislature be carried over to the next special session of the 128th Legislature.

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

READ.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on **PASSAGE**.

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. Madam Speaker, Ladies and Gentlemen of the House, as I read the order, and I'm literally reading it in real time because I haven't had a chance to see it nor had a moment to figure it out, as I read this, it says "Ordered, the House concurring, that all matters not finally disposed of when the Legislature adjourns sine die in the Second Regular Session of the 128th Legislature be carried over to the next special session of the 128th Legislature." It presupposes that there is going to be a next special session of the Legislature, and so I would like some clarification on the Order in regards to the implications of what it is implying, as I would ask the Chair: we did just have a vote, which I understood to be a final vote, on the question of whether or not the Second Regular Session of the Maine Legislature was going to adjourn. My understanding is, is that vote did not receive the requisite two-thirds, and therefore, the body would be adjourned only for the purpose of dealing with vetoes of the Chief Executive.

And, so, first of all, what I'm sort of seeing this, sort of in the last hour of the last minute, I'm trying to digest all these words, because, as we've learned in this body, all words have meanings. The word and, or a comma. And, so, I'm going to object to it, first and foremost, for the purpose of preserving my objection on the record, and state that it's not properly before the body; and I'm questioning if the Speaker found something funny in that?

The **SPEAKER**: The Chair would ask the Representative, are you posing a question to the Chair formally?

Representative **FREDETTE**: Yes.

The **SPEAKER**: I do find it funny. The Representative may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker. So, my concern is, and, again, as a matter of preserving the record, in terms of reading this, I don't want to have the implication be that by agreeing to this and voting in favor of this, that we are saying in fact somehow there's an implied consent or authority of the presiding officers to call a next special session. I find it odd and inconsistent with my eight years in the Legislature, and so I would ask, as a question through the Chair, some guidance as to the intent and purpose of this, for the purpose of clarifying my objection and having folks on this side of the aisle, who are literally seeing this for the first time in the last 120 seconds, understand exactly what it means or purports to mean. Thank you, Madam Speaker.

The **SPEAKER**: Well, Representative, let me explain and try to answer your questions.

In regards to the first question, during one of your floor speeches tonight, you mentioned, as you directed your caucus not to vote to extend, that indeed we might be back for a special session. That is the special session that is referenced here. I will remind all the legislators in the body today that the two ways that we could be called back for a special session are: one, by the governor's call; or, two: by our own call, which would require a majority of each of the four caucuses to agree to do it. So, that answers one of your questions.

In terms of the reason for having this in front of us, this is actually a way to protect every member's interest in bills here. If this were not here as a safety valve, we could be in a position where, in fact, again, as the minority leader referenced earlier in a speech tonight, that minority has the distinct disadvantage in being the minority, because the majority can overrule them with any vote, including deciding what bills to bring back should the bills die. So, this, in fact, does provide the minority in this body with some protection from the majority, who might otherwise only choose to bring back their own bills for consideration should we find ourselves in a special session.

I hope that answers your questions. There are four members in the queue. Before I begin calling on members in error, can you all please look at your buttons to make sure that you really want to be lit up?

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

Representative **CHAPMAN**: Thank you, Madam Speaker, Friends and Colleagues of the House. Very quickly, just to correct a statement regarding a call of a special session by the presiding officers, according to the Constitution, requires the consent of each party, not the four caucuses, but each party. There are three parties in the Legislature. Thank you.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm also reading this and I -- you did a really good job explaining this -- it seems like this is presupposition to me, so when I read this, my understanding was the only person that could call us in for a special session was the Chief Executive, yet I haven't heard from the Chief Executive, and I usually have him on speed dial, so I guess I'm -- maybe somebody can help me and tell me, have they talked to him or -- because I honestly don't understand this. I don't know how we can presuppose what the Chief Executive of -- maybe he's not going to think anything's important, and is willing to just let it go until he has another merry band of us up here in the 129th Legislative session. So, in all honesty, I'm hoping that somebody can tell me if they've talked to the Chief Executive, and if we're going to actually have another special

session or -- in our second regular emergency session. So, I guess I'm really confused.

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

Representative **PARRY**: Thank you, Madam Speaker. Can I ask a question through the Chair?

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

Representative **PARRY**: And it's probably a question to the Speaker. With this Order here, what would happen if we didn't have a special session? Because, as of today, as of right about now, we are at statutory adjournment. So, how do we continue with -- if there is no special session called by either the Chief Executive or by the Legislature, would we technically be in session all year, even though we did not start with statutory adjournment today, which, under statute, we must adjourn today?

After Midnight

The SPEAKER: The Chair would answer in the negative. We would not continue to be in session all year. When we adjourn today, we will be adjourning to the call of the presiding officers. We will not be adjourning *sine die*. What we are allowed is to adjourn today and to return for one more day to answer vetoes by the Chief Executive, as referenced, again, by the leader in the corner there earlier today. You might remember. The Representative will defer while I continue to answer the other Representative's question. Thank you for that question. Yes. The Chair recognizes the Representative from Eliot, Representative Lawrence.

Representative **LAWRENCE**: Thank you, Madam Speaker. I believe when the good Representative from Norway posed his question, it was 12:01. My question for the presiding officer is, since we've gone past midnight, have we not extended by implication or by unanimous consent of the House?

The SPEAKER: The Chair would answer in the affirmative. We have now extended into Thursday by implication as the Members continued to ask questions regarding the Order in front of them. The Member will defer for a moment. We have now extended session. The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Madam Speaker, on what grounds do you say that we have extended?

The SPEAKER: By implication. No one objected when we -- first of all, Representative, I will remind you and all members that you will wait to be recognized before continuing to speak. This is not a back and forth without recognition. Next, I will answer again and, if you continue to have questions we can step to the well and I can try to answer your questions a little further. When there is no objection as midnight comes, then the House has extended by implication of unanimous consent because there was no objection. The Chair recognizes the Representative from Newport, Representative Fredette, and inquires as to what his Point of Order is.

Representative **FREDETTE**: My point of order is, Madam Speaker, is that unless you don't recall the exact purpose of my question when I began the process was, was to preserve my objection on the record, and my objection was, in fact, recorded.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport informed the Chair that he had previously objected to extending session beyond midnight.

The SPEAKER: The Representative from Eagle Lake will defer. The Representative will be recognized in just a moment. The Chair will note that when you rose to object, you were objecting to the Joint Order in front of us, that is Supplement Number 32, that is SP 748, having nothing to do with the hour of the day or the minute of the day but, in fact, I will read it to you: "Ordered, the House concurring, that all matters not finally disposed of when the Legislature adjourns *sine die* in the Second Regular Session of the 128th Legislature be carried over to the next special session of the 128th Legislature."

The Chair ruled that Representative **FREDETTE** of Newport did not voice objection to extending session beyond midnight.

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

Representative **MARTIN**: Thank you, Madam Speaker, Members of the House. For the benefit of the Minority Floor Leader, I would suggest that he take a look at *Mason's Manual of Legislative Procedure*, and in there he will find the process for exactly the ruling that the Chair has just made, and I'd be more than happy to show it to him at some point.

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

Representative **FREDETTE**: Ladies and Gentlemen of the House, this body took a vote. The last time I looked, Mason's does not supersede the Constitution. The Constitution makes it very clear that there shall be set by statute a vote to establish the end of a legislative session, unless extended by two-thirds of the vote. And if the good Representative from Eagle Lake would like to see the Constitution and see the statute, I'm more than happy to show him that. And the last time I looked, any constitutional provision merged by statute supersedes Mason's, and so any argument of extending beyond implication of the Constitution and the statute is out of order.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake -- the Representative will defer. The Chair will hereby inform the body that I have made a ruling about whether we are in session. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. I would just advise the Representative from Newport, the legislation that he is referring to, I wrote into the law, which deals with the number of sessions and the length of sessions, so I'm very familiar with it, without any question.

I would further advise the Representative the number of occasions we've raised the question with the Attorney General in the past number of years. There are opinions, and they are available and they could be read by everyone in this body, which basically says that no previous Legislature can bind the next Legislature by the rules. It is very clear and I'll be more than happy, I don't have it on me now, but they are available and it's very clear. So, the fact that the ending time was never begun, therefore it doesn't apply; and that is very clear.

Further, in reference to manuals, legislative procedures, those are very clear, and when our rules do not reflect any mention to a particular issue, under our rules, we then proceed with Mason's Manual of Legislative Procedures; and it is available for people who have the book and we can find that without any question. So, technically, we can continue, if we want to, as long as we want to.

The SPEAKER: The Chair, while recognizing the Representative from Newport, Representative Fredette, for his Point of Order, will clarify that a Point of Order needs to be a specific question. Otherwise, the Representative will need unanimous consent to address the House for the fourth or fifth time. So, the Chair recognizes the Representative from Newport, Representative Fredette, and inquires what his Point of Order is.

Representative **FREDETTE**: The Point of Order is two issues. One is the good Representative from Oxford County, Representative Winsor, objected, first of all. Second of all, the last time I checked, the good Representative from Eagle Lake is not above the Constitution. Now, it's great that --

The SPEAKER: The Representative will defer. The Representative is going beyond a Point of Order. The Representative from Newport, Representative Fredette, having spoken twice requests unanimous consent to address the House for -- hearing no objection --

Representative **PARKER**: I object.

The SPEAKER: The Representative from South Berwick, Representative Parker, has objected.

Representative PARKER of South Berwick **OBJECTED** to Representative FREDETTE of Newport speaking a third time on the pending question.

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

Representative **TIMBERLAKE**: Madam Speaker, Ladies and Gentlemen of the House, this bill that has been brought before us at this late hour of night may be another way of baffling the Representatives in this room along with the press and the rest of us. But if you ever wondered what was wrong in politics, we are now, Madam Speaker, witnessing what is wrong in politics. This, Madam Speaker, Ladies and Gentlemen of the House, is going to create a further divide, a divide that did not need to happen here today. It didn't need to happen yesterday, it didn't need to happen last week, because we had the time to do our work.

We've been through this once or twice tonight already, and yet we still try to do things to get under the other one's goat a little. And I have watched here, and I have participated some, but what is happening to the Legislature here in our grand State of Maine is really a step too far. I enjoy each and every one of you in this room. Our politics don't always agree, but I respect each and every one of you. And, Madam Speaker, you and I have communicated, and we have tried to find a path, and it has been denied. We have not negotiated once today in the Appropriations room on how to fix this problem, but yet, through trickery, we have now found a way --

The SPEAKER: The Representative will defer. So, I can count on my hands tonight things said by various people in the corner that were inappropriate that I let go, or things, because, you know, one person on one side of the aisle says it, I let another thing go. But I'm about out of patience here, at ten minutes past midnight, talking about trickery. Representative Timberlake, this is your one warning. You may continue for now. The Representative may continue.

Representative **TIMBERLAKE**: I've had a warning before in my life, and lived through it, so it'll be all right.

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

Representative **ESPLING**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Many of us want to just be on the record to say that, according to statute, we have not agreed to extend session past midnight tonight. We still question if we are within the law. While we find merit in regards to some of these bills, we are voting under great concern for the process. We also question some of the wording in these orders and what that means for us in the minority. Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House.

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

Representative **BATTLE**: Thank you, Madam Speaker. This has been addressed. I would now move to Table this item. As you've said, we're in session so we don't need it, and let's move on with the work we have at hand.

The SPEAKER: The Chair would clarify with the Representative. Did you just move to Table this item?

Representative **BATTLE**: Yes, Madam Speaker.

Representative BATTLE of South Portland moved that the Joint Order be **TABLED** until later in today's session pending **PASSAGE**.

Representative HERBIG of Belfast **REQUESTED** a roll call on the motion to **TABLE** the Joint Order until later in today's session pending **PASSAGE**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is to Table the Joint Order until later in today's session pending Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 642

YEA - Battle, Chapman, Craig, Devin, Dillingham, Farrin, Fredette, Gerrish, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Johansen, Lockman, Lyford, O'Connor, Perkins, Picchiotti, Prescott, Reed, Sampson, Sanderson, Seavey, Sirocki, Skolfield, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, White, Winsor.

NAY - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Chace, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Espling, Farnsworth, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gillway, Golden, Grant, Grignon, Guerin, Haggan, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Ordway, Parker, Parry, Perry, Pickett, Pierce J, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Simmons, Spear, Stanley, Stearns, Stetkis, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Wadsworth, Warren, Wood, Zeigler, Madam Speaker.

ABSENT - Cebra, Ginzler, Grohman, Herrick, Sherman, Wallace, Ward.

Yes, 35; No, 109; Absent, 7; Excused, 0.

35 having voted in the affirmative and 109 voted in the negative, with 7 being absent, and accordingly the motion to **TABLE** the Joint Order until later in today's session **FAILED**.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED**: Thank you, Madam Speaker. What small element of trust that existed in this House has vanished tonight. I feel like I've walked through the subway and had my pocket picked. And, probably, what has occurred here tonight was lawful, but I would submit it certainly wasn't expedient. Nothing will be gained in this body in terms of bills passed going forward. What bills that are passed will certainly be vetoed by the Governor, and what are vetoed by the Governor will certainly be sustained by us.

The SPEAKER: The Representative will defer. The Chair recognizes the Representative from Biddeford, Representative Fecteau, and inquires as to what his Point of Order is.

Representative **FECTEAU**: Thank you, Madam Speaker. I believe we're not supposed to question whether or not the Chief Executive will take certain action.

On **POINT OF ORDER**, Representative FECTEAU of Biddeford objected to the comments of Representative REED of Carmel because he was questioning the motives of the Chief Executive.

The SPEAKER: The Chair will remind the Representative from Carmel, Representative Reed -- the Representative will defer. The Representative will wait to be recognized before he proceeds. The Chair will remind the Representative not to refer to the actions or motives of the Governor.

The Chair reminded Representative REED of Carmel that it is inappropriate to refer to the potential action of the Chief Executive in order to influence the vote of the House.

The SPEAKER: The Representative may proceed.

Representative REED: So, Madam Speaker, trust, fairness and truth have been lost among the sleight-of-hand maneuvers that have taken place here tonight, and I'd remind all of us it's never right to do wrong to do right. Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House.

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

Representative ESPLING: I'm just inquiring if there's a roll call that's been ordered. I'm asking for one if there isn't. Thank you.

The SPEAKER: A roll call is in order. The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative O'CONNOR: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand because I took a sworn oath to uphold the Constitution of the State of Maine as well as the United States of America, and I just want to voice my objection now. I believe that Section 3, "All laws now in force in this State, not repugnant to this Constitution, shall remain, and be in force, until altered or repealed by the Legislature, or shall expire by their own limitation," and I feel we're in violation of the Constitution right now. Thank you, Madam Speaker.

The SPEAKER: A roll call having previously been ordered, the pending question before the House is Passage of the Joint Order. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 643

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

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

ABSENT - Cebra, Ginzler, Grohman, Herrick, Sherman, Wallace, Ward.

Yes, 84; No, 60; Absent, 7; Excused, 0.

84 having voted in the affirmative and 60 voted in the negative, with 7 being absent, and accordingly the Joint Order was **PASSED** in concurrence.

The following Joint Order: (S.P. 747)

ORDERED, the House concurring, that when the House and Senate adjourn they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct business or consider possible objections of the Governor.

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

READ.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on **PASSAGE**.

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

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

ROLL CALL NO. 644

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

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

ABSENT - Cebra, Ginzler, Grohman, Herrick, Sherman, Wallace, Ward.

Yes, 83; No, 61; Absent, 7; Excused, 0.

83 having voted in the affirmative and 61 voted in the negative, with 7 being absent, and accordingly the Joint Order was **PASSED** in concurrence.

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

On motion of Representative KORNFIELD of Bangor, the House adjourned at 1:33 a.m., until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct business or consider possible objections of the Governor pursuant to the Joint Order (S.P. 747) and in honor and lasting tribute to the Honorable Richard W. Redmond, of Augusta; Julius R. "Dewey" Stetkis, of Canaan; and former first lady Barbara Bush.