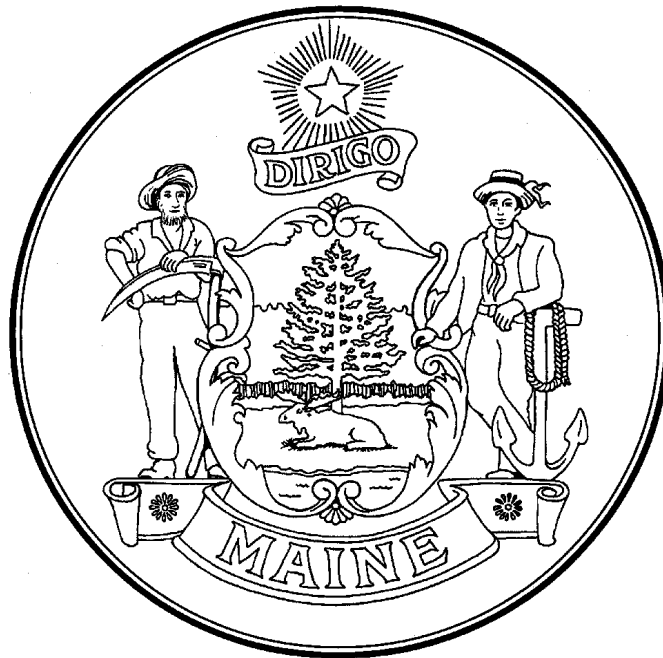


# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Special Session**

beginning June 19, 2018

beginning at page H-1739

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE  
SECOND SPECIAL SESSION  
7th Legislative Day  
Thursday, August 30, 2018

Representative HERBIG of Belfast assumed the Chair.  
The House met according to adjournment and was called to order by the Speaker Pro Tem.  
Prayer by Honorable Sheldon Hanington, Lincoln.  
National Anthem by Angela Pitteroff, Augusta.  
Pledge of Allegiance.  
Doctor of the day, Richard Swett, M.D., Dover-Foxcroft.  
The Journal of Monday, July 9, 2018 was read and approved.

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

Bill "An Act To Employ Veterans in Health Care To Meet Workforce Needs"

(H.P. 1362) (L.D. 1917)

**READ TWICE** under suspension of the rules without reference to a committee and **PASSED TO BE ENGROSSED** in the House on July 9, 2018.

Came from the Senate **READ TWICE** under suspension of the rules without reference to a committee and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-544)** in **NON-CONCURRENCE**.

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

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

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**COMMUNICATIONS**

The Following Communication: (H.P. 1365)

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

August 21, 2018  
Honorable Sara Gideon  
Speaker of the House  
128th Legislature  
Honorable Michael D. Thibodeau  
President of the Senate  
128th Legislature

Dear Madam Speaker and Mr. President:  
On August 20, 2018, 1 bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, this bill was referred to a Joint Standing Committee on August 20, 2018, as follows:

**Health and Human Services**

Bill "An Act To Criminalize the Failure To Make a Report of Child Abuse or Neglect as Required by Statute" (H.P. 1364) (L.D. 1919) (Sponsored by Representative SUTTON of Warren) (GOVERNOR'S BILL)

Sincerely,  
S/Robert B. Hunt  
Clerk of the House  
S/Heather J.R. Priest  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

Sent for concurrence.

---

The Following Communication: (H.C. 585)

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

August 9, 2018

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

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (I) (a), I have appointed Representative Michelle Dunphy of Old Town to the Joint Standing Committee on Labor, Commerce, Research and Economic Development, replacing Representative Dillon Bates of Westbrook, effective immediately.

Please do not hesitate to contact me should you have any questions regarding this appointment.

Sincerely,  
S/Sara Gideon  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 586)

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

July 31, 2018

W. Fred Hatch  
2 State House Station  
Augusta, Maine 04333

Dear Fred:

Pursuant to House Rule 201.1 (I) (b), I am pleased to appoint you as the Sergeant-at-Arms for the 128th Legislature.

On behalf of the entire House membership, I would like to welcome you and wish you well as you carry out your duties and responsibilities.

Sincerely,  
S/Sara Gideon  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 588)

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

August 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 Pamela LaHaye of Searsport 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.**

---

The Following Communication: (H.C. 589)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04330-0002**

August 19, 2018  
Honorable Sara Gideon  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Gideon:

I will be resigning my seat in the 128th Maine Legislature, effective tomorrow, August 20th.

The anonymous allegations against me are baseless and false. That said, with likely only a matter of hours of legislative work remaining, I do not wish to create any distractions. In my time away from the Legislature, I plan to focus on clearing my name.

I am proud of my time in service to the City of Westbrook and the State of Maine. It has been an honor to be their voice in Augusta for the past 4 years, and I look forward to finding ways to serve my community, state, and country in the future.

I wish all those who choose to serve our great state only the best.

Sincerely,  
S/Dillon Bates  
House District 35  
Westbrook

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 591)

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

August 23, 2018  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under Senate Rule 201.3, I have appointed Senator Roger J. Katz of Kennebec to the Joint Standing Committee on Health and Human Services. With this appointment Senator Katz will be replacing Senator James Hamper of Oxford.

Sincerely,  
S/Michael D. Thibodeau  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 592)

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

August 23, 2018  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to Joint Order S.P. 753 passed on July 9, 2018, the House and Senate will convene on Thursday, August 30, 2018 at 10:00 a.m.

Sincerely,  
S/Sara Gideon  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 583)

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

July 13, 2018  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

Please find enclosed certified copies of the final results from the June 12, 2018 Primary Elections and Special Referendum Election.

Tabulations showing the results with municipal and county totals are posted on the Secretary of State's web site here:

<http://www.maine.gov/sos/cec/elec/results/results18.html#june18>

Sincerely,  
S/Matthew Dunlap  
Secretary of State

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

---

The Following Communication: (H.C. 584)

**STATE OF MAINE  
OFFICE OF THE STATE AUDITOR  
66 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0066**

July 19, 2018  
Honorable Paul R. LePage  
Governor of Maine  
Honorable Sara Gideon  
Speaker of the House  
Honorable Michael D. Thibodeau  
President of the Senate

I am pleased to submit the State Auditor's Fraud Hotline Semiannual Report for the period January 1, 2018 to June 30, 2018.

A summary of the complaints is attached.

Sincerely,  
S/Pola A. Buckley, CPA, CISA  
State Auditor

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

---

The Following Communication: (H.C. 587)

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

August 30, 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 August 9, 2018

Arthur K. Watson, Jr. of New Canaan, CT, Morten Arntzen of Norwalk, CT and Jason A. Oney of Falmouth for reappointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P&SL 1975, Chapter 771 §428, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Ernest E. Kilbride of Carmel and Casey J. Cramton of Scarborough for appointment to the Maine Community College System Board of Trustees.

Pursuant to Title 20-A, MRSA §12705, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Honorable Jean Ginn Marvin of Scarborough for reappointment to the Maine Community College System Board of Trustees.

Pursuant to Title 20-A, MRSA §12705, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs

On August 13, 2018

Peter J. DelGreco of North Yarmouth and Bruce S. Harrington of Fairfield for reappointment to the Maine Rural Development Authority, Board of Trustees.

Pursuant to Title 5, MRSA §13120-D, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

John G. Gallagher of Brunswick for reappointment as a Commissioner of the Maine State Housing Authority.

Pursuant to Title 30-A, MRSA §4723.2, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

John H. Kilbourne of Brunswick for reappointment to the Midcoast Regional Redevelopment Authority.

Pursuant to Title 5, MRSA §13083-I, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

John C. Norman of Portland for reappointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA §4561, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Steven N. Whipple of Yarmouth for appointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA §341-C, this appointment is contingent on the Maine Senate confirmation after review by

the Joint Standing Committee on Environment and Natural Resources.

Dr. Jack L. Waterman of Waldoboro and John M. Jemison, Jr. Ph.D. of Orono for reappointment to the Board of Pesticides Control.

Pursuant to Title 22, MRSA §1471-B, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Michael A. Wiers, Esq. of St. Albans for reappointment to the Maine Milk Commission.

Pursuant to Title 7, MRSA §2952, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

On August 15, 2018

Honorable Douglas A. Thomas of Ripley for appointment to the Northern New England Passenger Rail Authority.

Pursuant to Title 23, MRSA §8112, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Ronald J. McKinnon of Chebeague Island for reappointment to the Northern New England Passenger Rail Authority.

Pursuant to Title 23, MRSA §8112, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Jonathan T. Nass, Esq. of Kennebunk for appointment to the Maine Turnpike Authority Board of Directors.

Pursuant to Title 23, MRSA §1964-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Robert A. Harmon of Raymond for reappointment to the Gambling Control Board.

Pursuant to Title 8, MRSA §1002, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs

William J. Cody of Calais and Gerald T. Reid of Northport for appointment to the Gambling Control Board.

Pursuant to Title 8, MRSA §1002, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

On August 16, 2018

Daniel M. Sullivan of Cooper and Rebecca J. McKenna of Machias for appointment to the Washington County Development Authority.

Pursuant to Title 5, MRSA §13083-C, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Blue Keim of Dixfield, Clifford Andrew McGadney, Ph.D. of Waterville, Eric B. Lusk of Harpswell and Holly D. Ferguson, CPA of Yarmouth for appointment to the Finance Authority of Maine.

Pursuant to Title 10, MRSA §965, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development

Richard M. Roderick of Cape Elizabeth for reappointment to the Finance Authority of Maine.

Pursuant to Title 10, MRSA §965, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

On August 20, 2018

Robert W. Bower, Jr. of Cumberland and Christine E. Riendeau of Durham for reappointment to the Maine Labor Relations Board.

Pursuant to Title 26, MRSA §968, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Robert C. Brooks of Portland for appointment to the Maine Labor Relations Board.

Pursuant to Title 26, MRSA §968, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

David R. Ferguson, Esq. of Kennebunk for reappointment to the Board of Trustees, Maine School of Science and Mathematics.

Pursuant to Title 20-A, MRSA §8204, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

James E. Havu of Augusta, Joel E. Pike of Jay, Joshua A. Chalmers of Scarborough, Kelly M. LaRue, Ph.D. of Ellsworth and Marian A. Reagan of Kennebunkport for appointment to the Board of Trustees, Maine School of Science and Mathematics.

Pursuant to Title 20-A, MRSA §8204, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

On August 21, 2018

Donna M. Chapman of Windham, George A. Spear of Buxton and Richard R. Shiers of Gorham for appointment to the State Harness Racing Commission.

Pursuant to Title 8, MRSA §261-A, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Samantha J. Hebert of Windham, Robin L. Foster of Orrington and Roxanne Baker of Cape Elizabeth for reappointment to the School Board of the Governor Baxter School for the Deaf.

Pursuant to Title 20-A, MRSA §7406, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

On August 22, 2018

Robert T. Weston of Hermon for appointment to the Maine Board of Tax Appeals.

Pursuant to Title 36, MRSA §151-D, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Taxation.

On August 23, 2018

Honorable David E. Bowles of Sanford and Betsy B. Gleysteen of Scarborough for appointment to the State Board of Education.

Pursuant to Title 20-A, MRSA §401, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Honorable John O'Neil, Jr. of Kennebunk for reappointment as a Justice to the Maine Superior Court.

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

John Martin, Esq. of Skowhegan for appointment as a District Court Judge.

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

On August 27, 2018

Honorable Nichi S. Farnham of Bangor, Craig G. Larrabee of Belgrade, Peter J. DelGreco of North Yarmouth and Dr. Raymond C. Stevens of Los Angeles, California for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,  
S/Sara Gideon  
Speaker of the House

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

---

The Following Communication: (H.C. 590)

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

TO: Honorable Sara Gideon, Speaker of the House  
Honorable Michael D. Thibodeau, President of the Senate

and Democratic and Republican Leaders

FROM: S/Beth L. Ashcroft, Director

DATE: August 20, 2018

RE: Sales of Timber Harvested From Public Lands

Enclosed please find the final information brief from the Office of Program Evaluation and Government Accountability on Sales of Timber Harvested From Public Lands. The report is also available on our website at <http://legislature.maine.gov/oepga/oepga-reports/9149>.

As noted in my memo dated August 10th the public comment period on this Information Brief has been scheduled for Thursday, September 27, 2018 at 9:00 a.m. in Room 220 Cross Building.

If you have questions, please feel free to contact me.

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

---

**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

Bill "An Act To Improve Information Sharing Relating to Investigations of Educators"

(H.P. 1366) (L.D. 1924)

Sponsored by Representative GINZLER of Bridgton.  
(GOVERNOR'S BILL)

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

---

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

---

**ORDERS**

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 73)

ORDERED, that Representative Henry John Bear of the Houlton Band of Maliseet Indians be excused June 19, 20, 21, 25 and 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Janice E. Cooper of Yarmouth be excused June 25 and 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Dale J. Denno of Cumberland be excused June 25 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Jessica L. Fay of Raymond be excused July 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gary L. Hilliard of Belgrade be excused June 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative MaryAnne Kinney of Knox be excused June 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeffrey K. Pierce of Dresden be excused June 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Roger E. Reed of Carmel be excused June 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Timothy S. Theriault of China be excused June 20, 21 and 25 for personal reasons.

**READ and PASSED.**

---

On motion of Representative SUTTON of Warren, the following House Order: (H.O. 75)

WHEREAS, Representative Dillon Bates of Westbrook was the subject of a report in a story published in a monthly Portland publication that alleges that Representative Bates had engaged in inappropriate behavior with several female students while he was in a supervisory capacity as a drama teacher at the Maine Girls' Academy in Portland; and

WHEREAS, on August 3, 2018, Speaker of the House Sara Gideon publicly called for the resignation from the House of Representatives of Representative Bates, citing the published report; and

WHEREAS, Speaker Gideon, through her spokesperson, has acknowledged that she was made aware of the allegations against Representative Bates "several months ago"; and

WHEREAS, it is unclear what information Speaker Gideon or others in the Speaker's office had and how long she or others had that information before the Speaker asked for Representative Bates's resignation; and

WHEREAS, it is not known whether anyone else in a leadership position in the House Democratic Office had information related to the allegations against Representative Bates; and

WHEREAS, Legislators have a moral and legal obligation to protect Maine people, particularly minor children and young women, from predatory sexual abuse; and

WHEREAS, if the allegations against Representative Bates are true, the actions represent a breach of the Legislative Code of Ethics and a significant breach of public trust; and

WHEREAS, Representative Bates, through his attorney, has called the allegations of sexual abuse "baseless"; and

WHEREAS, the allegations may have already caused irreparable harm to Representative Bates's reputation; and

WHEREAS, Representative Bates has now resigned; and

WHEREAS, whether that resignation was due to the report or the pressure to resign brought by the actions of Speaker Gideon is unknown; and

WHEREAS, in the United States of America, a person is presumed innocent until proven guilty and Representative Bates has due process rights and should not have been forced out of office based on unsubstantiated allegations; now, therefore, be it

ORDERED, that the actions taken by Speaker Gideon and others in the Speaker's office and leadership positions in the House of Representatives in relation to the allegations against Representative Bates be referred to the House Committee on Ethics for further investigation; and be it further

ORDERED, that the House Committee on Ethics report back to the House of Representatives with the results of its investigation, as well as any recommendations for action, no later than one month after the convening of the committee.

**READ.**

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

Representative **SUTTON**: Thank you, Madam Pro Tem. I'm going to read from the Legislative Code of Ethics. "Legislative service is one of democracy's worthiest pursuits. A Maine Legislator is charged with civility and responsible conduct inside and outside of the State House commensurate with the trust placed in that Legislator by the electorate."

When I was first elected to the Legislature, I took this very seriously and it was my understanding that everyone in this body was of the same mindset. That is why I have presented this House Order into the investigation. We have two issues that we're looking at, basically. We have the safety and well-being of students, young girls and other persons. That's one issue. The other issue is the fact that it is concerning that people can be forced out of their jobs with no proof. In the United States of America a person is presumed innocent until proven guilty. These are the reasons that I would like to have this matter referred to the House Ethics Committee. I have strangely been unable to find much information about this committee. I don't understand why we would have a committee like this in existence if we were not to utilize it. We need to hold ourselves to a higher standard and we need to act on this matter. The fact that Representative Bates has resigned may be interpreted in a variety of ways. I, and others, feel that this issue should be looked at specifically to determine how it was handled in the very beginning when leadership became aware of its existence. We owe it to the people of this state to ensure that they understand that every effort was made, through communications and investigations, lines of questioning, what happened and when did it happen. I do not like a precedent being set that a person is asked to resign from their job with no evidence of a person who is willing to be named. Thank you.

Representative LUCHINI of Ellsworth moved that the House Order be **TABLED** until later in today's session pending **PASSAGE**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** 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 PRO TEM: A roll call has been ordered. The pending question before the House is to Table the House Order until later in today's session pending Passage. All those in favor will vote yes, those opposed will vote no.

The Chair inquires as to why the Member rises.

Representative **LOCKMAN**: I have a question and request for clarification about the pending motion.

The SPEAKER PRO TEM: The Member may proceed.

Representative **LOCKMAN**: The Tabling motion: would it be accurate to say that a vote in favor of Tabling this motion is a vote in favor of covering up the cover-up?

The SPEAKER PRO TEM: The Member is out of order.

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

**ROLL CALL NO. 741**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Battle, Berry, Blume, Brooks, Bryant, Cardone, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Espling, Farnsworth, Fay, Fecteau, Fredette, Frey, Gattine, Golden, Hamann, Handy, Harlow, Harrington, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Monaghan, Moonen, Parker, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler.

NAY - Austin S, Bickford, Bradstreet, Campbell, Casas, Chace, Chapman, Corey, Craig, Dillingham, Foley, Gillway, Ginzler, Grant, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, O'Connor, Ordway, Perkins, Picchiotti, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sirocki, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, Ward.

ABSENT - Beebe-Center, Black, Cebra, Farrin, Fuller, Gerrish, Grignon, Grohman, Haggan, Harvell, Hilliard, Lawrence, McElwee, Melaragno, Nadeau, O'Neil, Parry, Perry, Pickett, Sampson, Sherman, Simmons, Skolfield, White, Winsor, Wood, Madam Speaker.

Yes, 72; No, 51; Absent, 27; Vacant, 1; Excused, 0.

72 having voted in the affirmative and 51 voted in the negative, 1 vacancy with 27 being absent, and accordingly the House Order was **TABLED** pending **PASSAGE** and later today assigned.

**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

James A. Sheppard, of Scarborough, the last of the Tuskegee Airmen living in the State. Mr. Sheppard attended Haaren Aviation Technical High School in New York City, graduating in 1942. He enlisted when he heard about an Army Air Corps program preparing African Americans to serve overseas during World War 2. Following basic training, he found himself at Tuskegee Army Air Field, where he was assigned to the 100th Fighter Squadron and trained to maintain the Curtis P-40. Later, with the 301st Fighter Squadron in Europe, he was promoted to Crew Chief overseeing work on P-47s and P-51s. At the war's end, he

was honorably discharged with the rank of Staff Sergeant. He worked as an aviation maintenance technician at various airlines in New York City and enlisted in the United States Air Force Reserve, from which he was honorably discharged as a Master Sergeant in 1961. From 1957 to 1987, he worked for the Federal Aviation Administration, retiring as the Supervisory Aviation Safety Inspector in the Flight Standards District Office in Portland. In 2007, he participated in the awarding of the Congressional Gold Medal by President George W. Bush to 300 Tuskegee Airmen. In 2009 and 2013, he attended the Presidential Inaugurations as a special guest of President Barack Obama. Mr. Sheppard will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

(HLS 1522)

Presented by Representative TALBOT ROSS of Portland. Cosponsored by Senator VOLK of Cumberland, Senator MILLETT of Cumberland, Representative McLEAN of Gorham, Representative SIROCKI of Scarborough, Representative VACHON of Scarborough.

On **OBJECTION** of Representative TALBOT ROSS of Portland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **TALBOT ROSS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I want to give special thanks for this opportunity to pay tribute to a great American today. James Alexander Sheppard, Jr. was born on September 20, 1924 in New York City, and died August 19, 2018 in Scarborough, Maine. James was the first of four children born to James Alexander and Catherine Sheppard, recent immigrants from Antigua, British West Indies.

Growing up in Harlem, New York, from the early age he was fascinated by the exploits of early aviation pioneers. His parents allowed him to build model aircrafts on the kitchen table, took him to movies with aviation themes, and made it possible for him to meet genuine pilots. James studied hard and passed the rigorous entrance exam to Haaren Aviation High, an early magnet school in the city established to train young men to become pilots and mechanics. While some of his classmates were hired by the airlines on graduation, in 1942, opportunities for African-Americans were limited, so he chose to enlist in the military service as soon as he was of age. He had heard about an experimental Army Air Corps program that was preparing African-Americans to serve overseas during World War II. This group of pilots, mechanics and ground support is now commonly known as the Tuskegee Airmen.

Following basic training on Long Island, he found himself on a steam locomotive headed for the segregated south and the airfields adjacent to Alabama's Tuskegee Institute, now Tuskegee University. James worked hard and was quickly known as someone to pay great attention to detail. He was assigned to the 301st FS and shipped overseas, arriving around the time of the invasion of Italy. Once there, he was promoted to Crew Chief. During his service, James formed many life-long friendships, and he was honorably discharged after the war with a rank of Staff Sergeant.

Back home in New York, despite extensive experience, he worked assembling toys and as a postal worker, as opportunities for African-Americans were limited. He was persistent, though, and eventually convinced a hiring manager at Lockheed Aviation to give him a chance working as a flight engineer on their Constellation airliner.



James enlisted in the US Air Reserve, assigned to the 436th Troop Carrier Wing, serving as Line Chief and was honorably discharged with a rank of Master Sergeant in 1961. Soon thereafter, he began a long career with the Federal Aviation Administration at Idlewild Airport that took him to the agency's test facility in Atlantic City, and finally to an office in Portland, Maine, where he retired as a safety inspector in 1987.

James Sheppard held three FAA airmen certificates: private pilot, aviation mechanic and senior parachute rigger. James was a longtime resident of Westbrook and South Portland. He was a member of the Thornton Heights Lion's Club. He was a regular attendee at the annual Tuskegee Airmen conventions and he attended the Presidential Inaugurations in 2009 and 2013 as a special guest of President Barack Obama. He participated in the 2007 awarding of one of the nation's highest honors, as President Bush presented 300 of the famed airmen with the Congressional Gold Medal. James was in demand all over the country as a speaker about the time he served with the famed Tuskegee Airmen. Over the course of two decades, he told the story to hundreds of audiences in more than 20 states and a half-dozen countries. In 2006, he was invited with four colleagues to visit his old unit, now serving within the combat zone in Iraq, and meet troops in West Germany and Kuwait. James took great pride in presentations to young people, encouraging middle and high school students to consider STEM careers in aerospace.

Madam Speaker, the Tuskegee Airmen played an extraordinary role in helping to win the war, a victory arguably unattainable without them. They were awarded the high honors of distinguished Flying Crosses, Legions of Merit, Purple Hearts and Silver Stars. Due to the Tuskegee Airmen's success, on July 6, 1948, President Harry S. Truman abolished racial discrimination in the military with Executive Order 9981. The Airmen have forever changed the dynamic of the United States Military, and starting with the Korean War, both blacks and whites served side by side. It is important to note that Mr. Sheppard was only one of two Tuskegee Airmen living in the state of Maine. The other was Staff Sergeant Eugene B. Jackson, who was born in Portland. Today, we remember James Sheppard and Eugene Jackson, and all of the brave Tuskegee Airmen, for their courage, outstanding performance, extraordinary heroism and patriotism. God bless the Tuskegee Airmen and God bless James Sheppard. Thank you.

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

Representative **HICKMAN**: Thank you, Madam Speaker Pro Tem. I would be remiss if I did not rise and thank the Good Representative from Portland, Representative Talbot Ross, for putting in this sentiment.

I met Mr. James Sheppard in 2003 in the Hall of Flags right downstairs. A former colleague of mine from this chamber gave me an autographed cap of Mr. Sheppard a few years ago, because he knew that my father was also one of these amazing American heroes who defied oppression and soared. And, so, I just wanted to stand in memory of all of the Tuskegee Airmen, especially Mr. James Sheppard, may he rest in peace.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'd be remiss if I didn't speak briefly, as someone who has served for 20 years in the Maine Air National Guard and someone whose father served in the Air Force.

First of all, I recognize the military as one of the first integrated bodies in this country. It has done a fabulous job in terms of its leadership. As a member of the Air Force, one of the first things you learn about when you go into the Air Force is about the Tuskegee Airmen and their contributions to the Great War, and what they did and what they accomplished, and most recently, one of the airmen recently passed away; and truly, without their courage during that time of great difficulty, not only in this country but in the world, that they stepped up and met the challenge. They truly were paving the path for many generations to come thereafter, in terms of integration and particularly for the military, and so we commend the work, the opportunity that they did then, for many of us stand on their shoulders today and the Air Force is certainly a better branch of the military and a better representative of the United States of America today because of what they did and the proud work that they did, and so I commend their work as well and thank the Good Representative from Portland, Representative Ross, for bringing this forward.

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

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Gattine, who wishes to address the House on the record.

Representative **GATTINE**: Thank you, Madam Speaker, Women and Men of the House. Those of you who know me and have served with me for the last six years know that I have a really hard time sitting in my seat. I'm constantly up and down and in and out of the chamber, and today it's very strange and remarkably sad to take note of someone who is missing from our chamber today. And, since I've been here, there's someone that almost always, every day, has been sitting behind the glass, and over on this side of the aisle, he used to sit right there to the right of the copy machine, and he'd sit sometimes on the other side, too, on one of the flat benches. And that person is not here with us today, and this is a person who got to know each and every one of us, who we heard from first thing in the morning on a regular basis when we read the paper, who carefully watched our actions and fairly and accurately reported them, and we all read his reporting every morning. And, of course, I'm talking about today how much we're all missing Chris Cousins; and what we miss about Chris; well, it's a long list. We miss his good-natured spirit, his way of asking important and difficult and thoughtful questions, and about how somehow he would always get us to answer those questions, even sometimes when I would think maybe I shouldn't be answering them. And simply his presence in this chamber made us all know and aware that Mainers would be watching and reading and paying attention to the work that we do, and that the work that we do matters and that the way that we do our work matters. And, many of you know this, but while Chris; while what Chris did in this chamber and his writing in the *Bangor Daily News* was important, it was his love of his family that was his life's work.

Chris married his high school sweetheart, Jen, and it would be an understatement to say that he was a proud father to their two young sons. And, if you talked to Chris or read his work or followed him on social media like I did, I don't think a day went by when you didn't hear about their latest achievement, you didn't hear a funny anecdote, or commiserate with us about the time he spent in this room, in this building, and how that kept them away; him away from the people he loved most. His

dedication to his family was obvious, and that love was right at the surface. And I think it's Chris's humanity that is what kept us talking to him and answering his questions and kept the entire state reading his stories, drawing us in and writing in a way that was fair and that was accurate and that was balanced, but that also displayed tremendous compassion and humanity. And, when I heard the sad news a couple weeks ago that Chris had died, when I got over my initial shock, I went back, Madam Speaker, and I thought about the first time I had ever talked with Chris. And, I went back and read a story that he had written about Representative Peoples, who served in this chamber with us, and about her husband, Patrick, who had, you know, tremendous physical difficulties and also passed away recently, and about what Representative Peoples did to take care of her husband as a caregiver. And, Chris took that very personal story of someone that we all knew and weaved it in with some really important issues that were important to people of the State of Maine, and it was a wonderful story. And, when I went back and I read that, it really kind of hit home as to the kind of reporter that he was, the kind of; the way he was able to tell stories and how important that was, and it's really those kinds of his stories that I think we're going to miss the most. And, although members of this chamber feel the loss, I also know that his colleagues at the *Bangor Daily News* feel his loss, and I'm going to take a moment here and offer my condolences to Mike Shepherd and Robert Long and the other folks at the BDN. I know that they've had to step up and they've been carrying on and I know that the news doesn't stop, as we all know; but, I think we need to keep them in our thoughts also.

So, the loss of Chris will be felt by the entire State of Maine. Reading his byline meant that you'd get an eye into the State House, that you'd understand a little bit more about how government works, about the people that work here, and most of all and most importantly, how that would affect the lives of the people of Maine in real and tangible ways. And I know we're all going to miss him a lot, but I know we're going to keep him in our thoughts and in our prayers and in our hearts. Thank you, Madam Speaker.

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

Representative **DAUGHTRY**: Thank you, Madam Speaker Pro Tem, Ladies and Gentlemen of the House. I'd be remiss if I, too, didn't stand to honor Chris Cousins.

In May 2006, I first met Chris at the *Times Record* when I was an intern at the paper in Brunswick, Maine, and I spent an incredible summer there getting to learn the ways of being a photojournalist, of being a writer, just absorbing everything I can. I got to know Chris and many of the staff that are now at the *Bangor Daily News*. And, from day one, Chris was something absolutely special. He taught me how to get a good story. He taught me to listen, that if I wanted to be a journalist that was the most powerful force. If I really wanted to make a change, it was to fully follow a story, get all angles, find out as much as you can. I learned so much, and he really helped instill a love of journalism in me, and for those of you who don't know, that was what I dreamt of being. I didn't think I'd end up here as a State Representative, I dreamt of being a journalist, and Chris used to tease me in the back about going to the other side. And, when I got here to the State House, I have to say, seeing Chris and Troy Bennett and Robert Long and seeing them back there were always a steadying force for me

being here at a young age, and I can't even possibly imagine what it's like not having him back there. My thoughts and prayers and feelings are with his family and with his family at the *Bangor Daily News*. This is an incredible loss and we're going to miss him dearly.

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Newport, Representative Fredette, who wishes to address the House on the record.

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. First of all, I want to pass on my condolences to the Cousins family, his wife and his children. A lot of people may not know, but my understanding and my belief is that Chris started his career for the *Bangor Daily News* in Pittsfield, which is the town next over from the town of Newport. And, prior to my days of being in the Legislature, I had an opportunity to get to know Chris during that time, and each of us got to know each other, and then about the same time, we both landed down here in Augusta. And so, my remarks briefly here today will be simply about the person Chris Cousins, because that's how I sort of knew him best.

While we talked policy, most oftentimes when we spoke, it was more about family; how are your children, how are they doing in school, you know, how are things going? And, I'll share with you as I close my remarks and my kind thoughts with him; in regards to being in the Legislature, you know, we are all part of this great experiment called democracy, and it is through the media that the citizens get to view the work that we do and either hold us accountable or not accountable, vote for or not vote for, and so, it's through the prism of the media that much of our work gets done. And, so, I encourage the members of the House, particularly those that are returning, to get to know the members of the media that work here. Scott Thistle served in the Air Force, it's something we have in common, so we actually share that bond and we talk about those sorts of things; and I think that that's important. And, what I will share with you is the last conversation that I had with Chris, I think I ran into him and I believe it was in a Home Depot or something like that, and it was about, I want to say, six months or two months ago, and we sort of surprisingly ran into each other and very quickly the conversation was, you know, hey, how are you doing, what's going on, and he was sharing with me that he and his wife and his family were moving back to Oxford County. And I never knew that in fact he and his wife were from Oxford County and were high school sweethearts and whatnot. And, so, they were in fact moving from Bath to Oxford County. We oftentimes had conversations about him being in the Boy Scouts, being a Boy Scout leader, and what his children were aspiring to do and what he was doing as a dad to make their experience, as most of us have, in terms of having a great experience growing up here in the great State of Maine. And, so, those will be the memories that I share with him, but also the relationship that we developed over probably a ten-year period together prior to being in Augusta and being here, and so, I certainly want to pass on my condolences and condolences on behalf of our caucus, and the thoughts and prayers are with he and his family.

The SPEAKER PRO TEM: The Chair recognizes the Representative from East Machias, Representative Tuell, who wishes to address the House on the record.

Representative **TUELL**: Thank you, Madam Speaker. I, too, would extend my condolences to the Chris Cousins family and the family at the *Bangor Daily*. I rise as; because I was a journalist for a number of years, a small-town weekly newspaper, and I marveled at the professionalism and fairness that Chris showed. That you could go and, being a former journalist, you know, there were times you want to; there are times it was nice to have somebody to talk to and talk with, and he respected this office, the offices that we hold, and I believe many of us across the spectrum respected the office that he held. And, to say that I think he showed us all that really that the media isn't and doesn't have to be the enemy. There's a human face to it, that we're all people trying to do the best job we can for our constituency, whether it be readers or the people in our districts. And, I think he got that and I know I've tried to get that throughout the years being here. But, I really respected him for his commitment to that over the years, that I'm sure every one of us could find something he wrote that we would disagree with, but we could also kind of see why and how he wrote it. So, he's a tremendous loss to our state and to this institution, and I think we're going to be years and years finding someone who can live up to that. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Hymanson, who wishes to address the House on the record.

Representative **HYMANSON**: Thank you, Madam Speaker. Chris's daily brief that he would write always ended with a soundtrack that he would point people to. He'd say, "Here's your soundtrack." So, I ask you to consider what his soundtrack might be as he's maybe listening in to this, and I think it might be something like John Lennon's "Don't Let Me Down;" not for the lyrics themselves but purely for the title. Thank you.

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 Monday, July 9, 2018, 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 Conform to the United States Internal Revenue Code of 1986 and Provide Tax Relief to Maine Families (EMERGENCY)

(S.P. 612) (L.D. 1655)

(S. "A" S-496 to C. "B" S-477)

TABLED - June 26, 2018 (Till Later Today) by Representative TIPPING of Orono.

PENDING - **PASSAGE TO BE ENACTED.**

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

Representative **TIPPING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I can't really let this bill go through this chamber entirely without having anyone speak to it, so I'm going to make a few short remarks.

I first want to thank the Tax Committee for the work they did on this bill. All told, we had ten work sessions in addition to the two hearings hosted by the Appropriations Committee. This was a mountainous task. We spent more than two months before actually taking our first votes, mostly because the subject matter is both difficult, complicated and far-reaching. I also want to single out the efforts put in by the Representative from Belgrade, Representative Hilliard, and Senator Dow, who worked hard to make sure we could find a path forward on the bill. No legislation is perfect, but this bill is a good faith effort at building a middle ground between two disparate positions. Nobody who understands the bill entirely likes everything in it, but I think we can all see pieces in this amended version that will move our state forward.

When the committee began work; the work of conforming our state's tax code to the recent federal changes, we were confronted with a big problem. Even dipping one toe into the waters of conformity would result in a massive \$233 million tax increase on working-class Mainers. Rejecting conformity outright, too, had its problems, including increased complexity in our tax code and creating compliance problems both for our hardworking staff at the Maine Revenue Service and for our constituents; the Maine taxpayers. Our Committee's goal was to craft a bill that holds people harmless, conforms when it benefits our state, and helps people who need it most. Some on our Committee were skeptical of many of the changes made at the federal level. Most of the benefits seemed to flow to people who are already very well off, and many of the pieces aimed at average Americans came with expiration dates. We wanted to craft a product here in Maine that rejected that lopsided approach, and instead focuses on people in Maine who need the help most. The final product that is now before the body, Madam Speaker, is a compromise that helps the average Mainer. It keeps the standard deduction for filers that the federal government did away with, and creates a new child and dependent credit to make sure parents and caretakers of dependents get more help in making ends meet. It closes numerous loopholes in the corporate income tax code that allowed large companies to write off sexual harassment lawsuit settlements and excessive CEO salary pay, and instead, puts that money towards helping Maine companies. It changes; it restructures the corporate tax brackets in a way that rewards companies who have larger footprints here in Maine and it also creates a new incentive, the paid family leave credit, to match a federal incentive that rewards companies for investing in their employees. But, most importantly, it ensures that people who didn't benefit from the federal tax changes will get some help. By nearly doubling the property tax fairness credit, we will make sure the elderly and low-income Mainers will have more money in their pocket when it comes time to fill the oil tank or buy prescription drugs. Madam Speaker, I hope you will join me in supporting this bill.

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

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

The SPEAKER PRO TEM: The Member may proceed.

Representative **SIROCKI**: Thank you. I just have a question regarding which amendment we're voting on. There are two noted, and for people listening at home, there may be some confusion if we're voting on Senate Amendment 496 or 477. Thank you.

The SPEAKER PRO TEM: We; the House will be voting on Enactment. We have already addressed and disposed of the amendments in previous votes; adopted previous amendments in; this is the final action.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

The Speaker resumed the Chair.  
The House was called to order by the Speaker.

**ENACTORS**  
**Acts**

An Act To Authorize the Installation of a Gold Star Family Memorial in Capitol Park

(H.P. 1363) (L.D. 1918)

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

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

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

Representative **HERBIG**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I rise in support of this measure. As the Chair of the Legislative Council's Facilities Committee, I submitted this proposal which will allow for a monument honoring Gold Star families in Capitol Park. Members of the Legislative Council gave it their unanimous approval.

When I am at the State House, the service and sacrifices that have made our democracy possible are never far from my mind, and I know that many of you join me in that. Maine's Gold Star families have made the greatest sacrifice imaginable in the name of our country and our freedoms. It is important to me that those families know how much, very, very much we appreciate that, from the bottom of our hearts. I know we can all agree that they deserve to be recognized in whatever way we can. We should show our gratitude to them here, in the shadow of the people's House, where all Mainers can honor them. Thank you, Madam Speaker.

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

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen. Thank you, Representative Herbig, for putting this forth. I'd like to recognize a few Gold Star families that are near and dear to me. I moved to Lincoln 13 years ago and I got to know Betty and Robin Gordon. For those of us in the military, or those of us that love military movies, Black Hawk Down. We lost Gary Gordon 25 years ago this October. Another two families that I got to know, Bill and Quie Emery. Bill Emery was brought up in the town that I grew up in, Wytovitlock. In 2007, his son, Blair Emery, paid the ultimate sacrifice. A few short months after that, Joel House, the son of Paul and Dee House, paid the ultimate sacrifice in Iraq also. Then we lost Dustin Harris up in Aroostook County, in Patten. But, those of us that honor these

families, there's always good that comes out of it. Bill and Quie and Paul and Dee House, they had a vision to start House in the Woods nine or ten years ago. I volunteer a few hours a year over there, but I get to know a lot of veterans around this country. A lot of veterans have said that they had a gun to their mouth, but if it wasn't for House in the Woods or even what Travis Mills is doing in his foundation: it's saving veterans. So, with every tragedy, there's always something good come of it, and I just want to thank this legislative body to bring forth this memorial in Capitol Park, and I'd just like to thank all the Gold Star families out there, and God bless you.

Subsequently, the Bill was **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**.

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Monday, July 9, 2018, 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 Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

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

(H. "C" H-796 and S. "A" S-494 to C. "A" H-782)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782) AS AMENDED BY SENATE AMENDMENT "A" (S-494)** thereto.

TABLED - June 21, 2018 (Till Later Today) by Representative TIMBERLAKE of Turner.

PENDING - **PASSAGE TO BE ENGROSSED**.

On motion of Representative LUCHINI of Ellsworth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-782)** was **ADOPTED**.

On motion of the same Representative, the rules were **SUSPENDED** for the purpose of further **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "C" (H-796)** to **Committee Amendment "A" (H-782)** was **ADOPTED**.

On further motion of the same Representative, **House Amendment "C" (H-796)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "D" (H-809)** to **Committee Amendment "A" (H-782)** which was **READ** by the Clerk.

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

Representative **FREDETTE**: Thank you, Madam Speaker. If I may pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: Thank you. If the good Representative from Ellsworth, Representative Luchini, if you could just clarify for the body a little bit of this conversation in caucus this morning, that the purpose of the amendment, as I understand the amendment is; is to remove any language in

regards to the errors bill as it applied to the clean election money, per se; and so that essentially this is a, sort of, I would call it a clean errors bill absent that, and I think that's the purpose of your amendment. If you can just provide the caucus some information on that, I'd appreciate it.

The SPEAKER: The Representative from Newport, Representative Fredette, has posed a question through the Chair to the Representative from Ellsworth, if the Representative; the Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative LUCHINI: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, that's exactly what this amendment does, as the good Representative from Newport said. This removes reference from the original errors bill to the clean election system, and we're doing it in response to both the court action that we've seen recently, as well as the agency action from the agency of oversight, the Ethics Commission, that they are able to disburse funds without a legislative fix. And so, given the difficulties in passing the errors bill, we have moved that portion out.

Subsequently, **House Amendment "D" (H-809) to Committee Amendment "A" (H-782) was ADOPTED.**

Subsequently, **Committee Amendment "A" (H-782) as Amended by House Amendment "D" (H-809) thereto was ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-782) as Amended by House Amendment "D" (H-809) and Senate Amendment "A" (S-494) thereto in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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**TABLED AND TODAY ASSIGNED**

The Chair laid before the House the following item which was tabled and today assigned:

House Order, Propounding a Question to the Supreme Judicial Court

(H.O. 72)

TABLED - July 9, 2018 by Representative BEAR of the Houlton Band of Maliseet Indians.

(Pursuant to House Rule 513)

PENDING - **PASSAGE.**

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative BEAR: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I am pleased to rise and ask that you consider favorably the resolve that I Tabled on July 9, when we were in the process of considering LD 1201, and having this session and the past several sessions that I've been in this chamber over the past six years, the tribal gaming bills that have been considered then. Today, I have the opportunity to invite you to consider two things, a very serious and important legal question, but also a very somber and solemn circumstance of a remotely located population, members of my tribe and generally people of remote locations throughout the state and of other tribes, because this speaks to that as well.

What I'm going to begin by saying is that this issue, this effort to remedy a situation of joblessness, of depression, of health impacts and the highest levels of mortality, suicide, and morbidity in the state, that this effort to provide a remedy for those circumstances is worth taking time now to consider. There have been several hearings because of the various bills that the Legislature has considered that I mentioned, and the

facts of our circumstances are -- have been established. The other thing that came out of the hearings is that there is laws that I believe can help the Legislature as we consider this question, that can provide guidance, and that's what this resolve is asking us to consider doing, is sending the simple question to the Maine high court of whether or not we will have an answer that can provide guidance to the Legislature and to the tribe, to the state, that can support the effort of the tribes to remedy the circumstances I described by starting businesses, including gaming, on tribal land. The United States has a policy that is working across the country that does recognize these types of businesses as being successful; that since 1987 and the Supreme Court ruling in Cabazon, the tribes have improved their condition, and what this resolve does is ask the Court to confirm, with their guiding opinion, that the Supreme Court ruling that is currently applicable to all other 49 states is also applicable here in the State of Maine.

I believe, and the experts that I've consulted believe, that it does apply. And, so, I'm asking you, this body, Madam Speaker, to see this as an important legal question that can help this Legislature and future Legislatures in accommodating this proposed remedy for serious conditions that exist, and that you also take note of a handout that was distributed to everybody today, and this is to be added to what you've received in the past. But it's clear that there is a lot of support, of recognition of our situation, or a lot of support in the remote region where we as a tribe propose to conduct gaming, including the town of Houlton, where there was a unanimous resolution supporting this business proposal, and also the Aroostook County Commission unanimously supported this business proposal and also recognized the condition of our tribal members with the high unemployment rates and joblessness and depression and health impacts. The -- I'll just refer you to the Supreme Court ruling itself, which says that if a form of gaming is illegal in a state, Indian reservations may not engage in that form of gaming, and if a form of gaming is legal in a state, Indian reservations may engage in that form of gaming. Essentially, what the court is saying is that the Federal Government's policy of extending this type of support to tribes to conduct gaming is good, and that we're missing out on that in this state and we're suffering the consequences of missing out on what the rest of the states currently are accommodating on Indian reservations; and that is permitting and allowing and not interfering with, not opposing and not resisting, this type of business effort. It would seem that we would celebrate, that we would have the initiative to try to demonstrate that we can -- that we can handle this type of business, that we can make it on our own, and that we can fund ourselves, health care needs and housing needs, educational supports, childcare supports; we can fund it ourselves, plus create jobs that are desperately needed in this remote region and where the tribes are currently situated, which essentially are in the most remote parts of the state. So, it would seem that we would want to celebrate and encourage that on the one hand, but recognize that there's a serious situation that this question can help resolve, in that the state will then -- the Legislature will then see that there is a basis for quickly supporting and accommodating the various bills and proposals that the tribes have put forward for the Legislature to consider.

Now, nearly every tribal gaming proposal that has been brought to this chamber has been supported by a majority of votes in this chamber, and then ultimately it bogs down and doesn't -- they don't succeed. The Passamaquoddy, the Penobscot, the Maliseets, and the Mi'kmaq have all put

forward tribal gaming, specifically class III gaming proposals, and these just don't make it through. And so, ultimately, the default position is that the Supreme Court has said that states need to recognize that they cannot prevent tribal gaming on reservations given the need, but also because once they allow gambling of any sort in the state, including lottery, that they don't have jurisdiction to prevent tribes from conducting gaming. It must be totally criminal for all forms of gambling, otherwise the state cannot prevent tribes on reservations from conducting gaming. So, this resolve, without continuing any further, has wide support, addresses a serious ongoing situation. It can provide necessary funding for capped health programs that will benefit the people in these remote areas and also create jobs that will address the joblessness and the depression. So, I'm asking the people, my friends in this chamber, to support this simple referral to the Court and let them decide if this is important. Let them decide if, in fact, there is something to this court ruling of 1987 which resulted in over 385 tribal casinos across the country to come online, and Maine being one of the few states where it hasn't happened. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Monticello, Representative Johansen.

Representative **JOHANSEN**: Thank you, Madam Speaker. I rise today in support of this House Order. This enterprise would be very good for the tribe and for the local community, and it has the backing of the town of Houlton. The City of Houlton has met and they are in support of this enterprise that the tribe would like to do, so I would ask everybody to support this.

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 Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Madam Speaker, Friends and Colleagues of the House. I rise briefly to discuss just the procedure. This is a somewhat unusual procedure to be taken up in the House, that is, to ask a question of the Justices of Maine's Supreme Judicial Court.

It's only -- should we pass this House Order now, this would be only the second time in the eight years that I've been here that we would have done such a similar thing, and I'm aware of only four times in which the Justices, in the past eight years, have been asked by some other branch of government for their individual opinions, to provide advice to another branch of government. I won't detail what those other circumstances were except to say that it's up to the Justices of the Supreme Judicial Court whether or not to answer the question, but the question here, and the reason why I believe this is a solemn occasion that requires them to answer the question, is because the Legislature has routinely and continually addressed a question of regulating gaming on tribal lands, and yet the Supreme Court -- the US Supreme Court decision of 1987, a simple reading of that suggests that the state does not have the authority to regulate gaming on tribal lands, and that makes a huge difference as to whether or not we go down the path of trying to regulate it or not trying to regulate it or leaving it in the hands of the tribes themselves. And, so, it's an important question that has to be answered. This is a way in which we can ask for the assistance of the individual opinions of the Supreme Court Justices. If they take up the question and if they answer it, it does not affect law. It's not a court decision. It would be advice of the individual Justices, but it's important advice, and I fully support that we

proceed to ask them this question. Thank you, Madam Speaker.

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

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Do I support gambling? Well, I have my own personal opinion of that, but a few weeks ago I got a printout that was sent in the mail, and it listed the top 10 most depressed cities in the state. Danforth was one of them, there was a few in Washington County; and, as you know, that Representative Fredette and I, we did go to Danforth. But I support this House Order because of the impact that it might have, but to allow the process to work. If I had my way, I think, gambling, I would do away with all of it. But it is here, we need to support the -- I myself, we need to support the process, so I would like to ask those to support this, and at least give the courts the chance to give an opinion and see once and for all what can and cannot happen in the state. Thank you, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Ladies and Gentlemen of the House. I'm going to be voting in opposition to the order today. The issue of gaming in Maine, I think we are all very aware, has had a very controversial history. Currently, we essentially have two casinos right now, and many a time these issues have gone out to referendum and, ultimately, the people of the State of Maine have had a say on what happens with gaming in the State of Maine. Now, for example, the United States Supreme Court recently decided on betting on sports games. Now, there's a whole new -- there's a whole new issue that's going to be coming before this Legislature, I guess, or I would bet in the next -- no pun intended -- in the next four months we're going to be looking at that issue. But I don't think the gaming issue is an issue that we should be giving to the courts to look at. I think it's an issue for the Legislature to make a decision on, on gaming issues. There's huge amounts of complexities that goes with each of these, huge amount of issues that need to be looked at. I think this is fundamentally a legislative issue, an issue that we need to decide and we need to work on, and, at the same time, I also believe I think the people of the State of Maine have a fundamental right to have a choice and a say in this in regards to, if there's going to be another casino, that there's a referendum process and that the people of the State of Maine have a real say in that.

Look, I come from I think it's the fifth poorest town in the State of Maine in the most recent listings of towns where I grew up. So, yes, would this be a help possibly? That may be. But it's not the way to solve the problem, by bypassing the process to ask the courts to look at this when I believe this is fundamentally a legislative issue, something that we need to decide here in the Legislature on behalf of the people of the State of Maine, and, ultimately, if it were -- if I had any say in it, something that should be decided by referendum in the final analysis. And, so, I will be voting against the House Order and ask that you follow my light.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, I'd like your permission to pose a question to the good Representative from the Houlton Band of Maliseet Indians through the Chair.

The SPEAKER: The Representative may proceed.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, to the question to my good friend of the Houlton Maliseets, did I hear you correctly when you stated that this House Order was in fact supported by both the Houlton Town Council and the Aroostook County Commissioners?

The **SPEAKER**: The Representative from Sinclair has posed a question to the Representative from the Houlton Band of Maliseet Indians, if he cares to answer. The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: The -- what I was referring to was the repeated resolutions of both the Houlton Town Council and the Aroostook County Commission, including Mr. Beaulieu and the other members, the chairs, that they supported the Houlton Band's efforts to establish gaming on our 52 acres of land on Route 1 in Houlton, across from the Tractor Supply business, where the town has invested in upgrading the water and the sewer and the power to our property, the tribal lands, that have been set aside by the United States as trust lands for the specific purpose of conducting tribal gaming.

So, in answer to your specific question as to this question, no, I haven't needed to go and ask if the -- if they also agree with my taking this forum to get the support for the tribal gaming. No, is my answer to the good Representative; however, included in their support was a clear message that all efforts that we could make towards bringing this about was supported. They support the increase in jobs by a hundred -- the increase in net revenue to the region of 13-20 million that will significantly benefit southern Aroostook regions. So, I couldn't imagine that if I were to ask the specific question as to whether or not they support this question, it is clear that they want this to come about. So, no, I didn't talk to Doug or to the chairman of the Houlton Town Council as to this specific question, no. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Fairfield, Representative Picchiotti.

Representative **PICCHIOTTI**: Yes, I just would like to say I rise in support of this and will be voting for it.

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

**ROLL CALL NO. 742**

**YEA** - Alley, Austin B, Bailey, Battle, Berry, Bickford, Blume, Brooks, Bryant, Campbell, Casas, Cebra, Chapman, Collings, Corey, Daughtry, DeChant, Denno, Devin, Doore, Dunphy, Farnsworth, Fay, Fecteau, Gattine, Golden, Grant, Grohman, Hamann, Handy, Hanington, Harrington, Herbig, Hickman, Hymanson, Johansen, Jorgensen, Kumiega, Longstaff, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Monaghan, Moonen, Parker, Picchiotti, Prescott, Reckitt, Rykerson, Sanborn, Sheats, Spear, Stanley, Sutton, Sylvester, Talbot Ross, Tepler, Tipping, Tucker, Vachon, Warren, Zeigler, Madam Speaker.

**NAY** - Ackley, Austin S, Babbidge, Black, Bradstreet, Cardone, Chace, Cooper, Craig, Dillingham, Duchesne, Espling, Foley, Fredette, Frey, Gillway, Ginzler, Guerin, Hanley, Hawke, Head, Herrick, Hogan, Hubbell, Kinney J, Kinney M, Kornfield, Lockman, Luchini, Lyford, Mason, O'Connor, Ordway, Perkins, Pierce J, Pierce T, Pouliot, Reed, Sanderson, Schneck, Seavey, Sirocki, Stearns, Stetkis, Stewart, Strom, Theriault, Timberlake, Tuell, Turner, Wadsworth, Wallace, White, Winsor.

**ABSENT** - Beebe-Center, Farrin, Fuller, Gerrish, Grignon, Haggan, Harlow, Harvell, Higgins, Hilliard, Lawrence, McElwee, Melaragno, Nadeau, O'Neil, Parry, Perry, Pickett, Riley, Sampson, Sherman, Simmons, Skolfield, Terry, Ward, Wood.

Yes, 70; No, 54; Absent, 26; Vacant, 1; Excused, 0.

70 having voted in the affirmative and 54 voted in the negative, 1 vacancy with 26 being absent, and accordingly the House Order was **PASSED**.

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**COMMUNICATIONS**

The Following Communication: (S.P. 757)

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

August 21, 2018

Honorable Michael D. Thibodeau

President of the Senate

128th Legislature

Honorable Sara Gideon

Speaker of the House

128th Legislature

Dear President Thibodeau and Speaker Gideon:

On August 20, 2018, 3 bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, the following bills were referred to the Joint Standing Committee on Health and Human Services:

Bill "An Act To Modify the Expungement Requirements for Records under the Child and Family Services and Child Protection Act" (S.P. 754) (L.D. 1920) (Sponsored by Senator KEIM of Oxford) (**GOVERNOR'S BILL**)

Bill "An Act To Grant the Department of Health and Human Services Access to Criminal History Information To Achieve the Purposes of the Child and Family Services and Child Protection Act" (S.P. 755) (L.D. 1921) (Sponsored by President THIBODEAU of Waldo) (**GOVERNOR'S BILL**)

Bill "An Act To Amend the Child and Family Services and Child Protection Act" (S.P. 756) (L.D. 1922) (Sponsored by Senator DIAMOND of Cumberland) (**GOVERNOR'S BILL**)

Sincerely,

Heather J.R. Priest

S/Secretary of the Senate

Robert B. Hunt

S/Clerk of the House

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

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

---

The Following Communication: (S.P. 759)

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

August 23, 2018

Honorable Michael D. Thibodeau

President of the Senate

128th Legislature

Honorable Sara Gideon

Speaker of the House

128th Legislature

Dear President Thibodeau and Speaker Gideon:

On August 22, 2018, one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, this bill was referred to the Joint Standing Committee on Health and Human Services:

Bill "An Act To Improve the Child Welfare System" (EMERGENCY) (S.P. 758) (L.D. 1923) (Sponsored by Senator HAMPER of Oxford) (GOVERNOR'S BILL)

Sincerely,

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

S/Robert B. Hunt  
Clerk of the House

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

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

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## REPORTS OF COMMITTEE

### Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Criminalize the Failure To Make a Report of Child Abuse or Neglect as Required by Statute"

(H.P. 1364) (L.D. 1919)

Signed:

Senators:

BRAKEY of Androscoggin  
CHIPMAN of Cumberland  
KATZ of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-810)** on same Bill.

Signed:

Representatives:

CHACE of Durham  
SANDERSON of Chelsea

### READ.

Representative HYMANSON of York moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

### ROLL CALL NO. 743

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Battle, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Dillingham, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Gattine, Golden, Grant, Hamann, Handy, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Longstaff, Luchini, Madigan C,

Madigan J, Martin J, Martin R, Mastraccio, McCreia, McCreight, McLean, Monaghan, Moonen, Parker, Pierce T, Reckitt, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Espling, Foley, Fredette, Gillway, Ginzler, Grohman, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, O'Connor, Ordway, Perkins, Picchiotti, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sirocki, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor.

ABSENT - Beebe-Center, Farrin, Fuller, Gerrish, Grignon, Haggan, Harlow, Harvell, Hilliard, Lawrence, McElwee, Melaragno, Nadeau, O'Neil, Parry, Perry, Pickett, Riley, Sampson, Sherman, Simmons, Skolfield, Terry, Ward, Wood.

Yes, 72; No, 53; Absent, 25; Vacant, 1; Excused, 0.

72 having voted in the affirmative and 53 voted in the negative, 1 vacancy with 25 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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## COMMUNICATIONS

The Following Communication: (H.C. 593)

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

August 30, 2018

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Erin D. Herbig of Belfast to serve as Speaker Pro Tem to convene the House on August 30, 2018.

Sincerely,

S/Sara Gideon

Speaker of the House

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

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## ENACTORS

### Acts

An Act To Employ Veterans in Health Care To Meet Workforce Needs and Provide Funding to the Community College System To Support the Training of Nursing Students

(H.P. 1362) (L.D. 1917)

(S. "A" S-544)

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

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

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

Representative **DEVIN**: Thank you very much, Madam Chair. I would like to express a few words about Senator John McCain.

Senator McCain had a very good sense of humor and I'm quite confident that he would appreciate my words. As the good Representative from Chelsea will know, in 2010, I ran against the Honorable John McKane. That's John McKane from Newcastle, spelled M-C-K-A-N-E. But, Senator John McCain and I have two things in common: we're both left-handed and we both graduated from the Naval Academy. At this point, I'll get a little bit serious. I was at Annapolis from '80 to '84, and in 1982, a nationally unknown individual was elected to the House of Representatives from Arizona, Congressman John McCain. It was huge news at Annapolis, though, because even back then John McCain was very well known. We learned about him on a regular basis, because he was an Annapolis grad, and he was also one of the people that spent; I think he spent five years at the "Hanoi Hilton" in Vietnam. He was often on the Academy grounds while I was there, and he spoke to midshipmen when anyone wanted to talk to him. He was very open, telling us about his stories, he was; and his life. He was called upon by the Academy to talk to various groups about leadership and his experience as a POW.

Although I didn't hear from him directly about his experience, I heard from another individual who you've probably heard of, Admiral Jim Stockdale. Admiral Stockdale, you may remember, ran as a vice president candidate with another Annapolis grad out of Texas whose name escapes me right now. But, these guys lived under the most cruel conditions imaginable; some of them for as many as seven years in Hanoi. And they absolutely exasperated the Vietnamese because they couldn't break their spirit. And they couldn't break their spirit because they communicated and they kept communicating, even when they were in solitary confinement, and they communicated by taking pebbles and small rocks and tapping them on their wall; and they tapped in Morse code, and they would tap poems to each other, and this went on for years. And I could go on, I've heard many stories, and directly from these men that were prisoners of war over there, and it's harrowing, it's raising the hair on the back of my neck right now and I'm not going to go into detail. But John McCain was a tremendous American. I'm proud that he was a fellow Annapolis grad and he served his country in so many ways. He was one of the first people that stood up and said we need to normalize relations with Vietnam. Think about that. He was beaten when he was nearly dead when they found him when his plane crashed. And then they held him in a hospital for five months and they didn't give him any treatment, just the basic treatment. And he was nursed back to health after he was released from the hospital by his fellow American POWs. Yet, he was one of the first major public figures who came out and said we should normalize relationship with Vietnam. That is an American patriot. And, I'm going to; I'm going to just finish up with one of my favorite quotes. John McCain had recently moved to Arizona when he decided to open; run for an open seat. And he was giving a talk and someone in the audience said you haven't lived here very long and referred to him as a carpetbagger. And, this is John McCain's response: "Listen, pal, I spent 22 years in the Navy. My father was in the Navy; my grandfather was in the Navy." Those two were also Naval Academy graduates. "We in the military service tend to

move a lot. We have lived in all parts of the country, all parts of the world. I wish I could've had the luxury, like you, of growing up and living and spending my entire life in a nice place like the First District of Arizona, but I was doing other things. As a matter of fact, when I think about it now, the place I've lived longest in my life was Hanoi." Thank you very much.

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

Representative **SIROCKI**: Thank you, Madam Speaker, and I wondered if I might too also have permission to speak on the record?

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

Representative **SIROCKI**: Thank you, Madam Speaker. In deep sadness, it has been brought to my attention that former House Member, the Honorable John T. Buck passed away on August 7, 2018. On behalf of those who served with Mr. Buck, as he preferred to be called, I would like to request a moment of silence in tribute and everlasting memory. Thank you.

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At this point, the Members of the House stood and joined in a moment of silence in honor of the Honorable John T. Buck, of Yarmouth.

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

**ORDERS**

On motion of Representative LUCHINI of Ellsworth, the following Joint Order: (H.P. 1367)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs shall report out, to the House, a bill related to the funding of elections.

**READ and PASSED.**

Sent for concurrence.

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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:

(S.P. 755) (L.D. 1921) Bill "An Act To Grant the Department of Health and Human Services Access to Criminal History Information To Achieve the Purposes of the Child and Family Services and Child Protection Act" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-547)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Amend the Child and Family Services and Child Protection Act"

(S.P. 756) (L.D. 1922)

Signed:

Senators:

CHIPMAN of Cumberland  
KATZ of Kennebec

Representatives:

HYMANSON of York  
DENNO of Cumberland  
MADIGAN of Waterville  
McCREIGHT of Harpswell

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

CHACE of Durham  
PARKER of South Berwick  
PERRY of Calais  
SANDERSON of Chelsea

Came from the Senate with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

**READ.**

Representative HYMANSON of York moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Given a lot of the challenges our Department of Health and Human Services and the Child Protection Services have had lately with finding placement, making sure our children are kept safe, this is a minor language revision in a small chapter of statute. However, it will give our caseworkers a large amount of discretion and fluidity in what they are able to do to serve the best interest of the child. What this language wants to do is take a small sentence out which says "rehabilitation and reunification with parents must be a priority," strike that out, and say "all reasonable efforts toward reunification and rehabilitation will be made." There are some cases they are finding where it is limiting the department to find more appropriate placement, safe placement, for our children who have to enter the child protection system because of those words, that priority word. And, I think, given our history over the last few months and what has happened with a couple of very vulnerable children, that this is a smart change, it's a change for the better for our children, so I would urge you to vote no on the pending motion and allow this to pass. I think this is one of the most important pieces of childcare bill policy changes that we are addressing at this time and one of the most important pieces that we could vote on today. We need to keep our kids safe. We haven't done a good job of that. This will help our caseworkers, our Department of Health and

Human Services keep our kids safe with that change in language. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative **PIERCE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I debated with myself whether I was going to speak on this issue. I would ask everybody to look at the Government Oversight report on Child Protective Services. This is one of the recommendations. It is a small piece, you're right, that unification, it just strikes as a priority. Without getting into details, because there is an ongoing and criminal case on the death of a child in this state which our committee was tasked with finding out what happened, that child, and I can't tell you which one but you can probably guess, would still be alive if they were not reunited with that family. This is a serious thing, even though it's a small language piece, it's a small change. But, however, it gives a little bit of discretion and a little bit of leeway. You have to ask yourself, if you could've saved one of those children because of a couple word changes, would you have? I ask you the -- this motion not pass, and take up Ought to Pass. Thank you.

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

Representative **HYMANSON**: Thank you, Madam Speaker, Men and Women of the House. I urge you to support the current Ought Not to Pass motion. We are considering two phrases; one phrase, give the family rehabilitation and reunification priority or, two, require that reasonable efforts be made to rehabilitate and reunify families. Currently, the law says we give rehab and reunification priority. How has this priority phrase worked out? Well, since 2013, the number of families reunified has decreased, even with the word priority from 52% to 41%. The years 2012, 2013, 2014, 2015, 2016, Maine was in the bottom ten states for reunification. But, why should reunification be the priority? Intervention of any child protection agency is an act that itself causes harm. All the research shows that; supports reunification after removal as the least harmful way for children to proceed, when it can be done safely and with the best interest of the child. That's what the; that's what the research shows for the wellbeing of the child; reunification produces a better result long-term. So, keep the phrase, give the family rehabilitation and reunification priority because the rest of the phrase in the law says "as a means for protecting the welfare of children but prevent needless delay for permanent plans for children when rehabilitation and reunification is not possible." So, it presents to the court the fact that reunification should be a priority, but when it's not possible, prevent needless delay for permanent plans. I'd also like to remind this body that not many years ago a child was killed in their foster home. These are sad cases, but we have to look for what the best interest of the child is and reunification should be the priority. I urge you to vote Ought Not to Pass. Thank you.

The SPEAKER: The Chair will just remind members to please direct comments towards the rostrum as you're speaking. The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE**: Thank you, Madam Speaker. This is a tough call, because we're talking about language here. But when we're talking about the court system, they look very explicitly at language; and I've spent 12 years in policymaking myself and I have seen licensees use language to their defense when it shouldn't be. It's a very complicated decision tree. There is no greater respect I have than for our

social workers when they are in these difficult situations with families that are in need: there's trouble, there's past history, and they have to follow a decision tree of who to place that child with for the safety of that child. And, when they are in the midst of that decision tree, as a licensee, when we have a line that is very prescriptive that says give family rehabilitation and reunification priority, that word, priority, is extremely strong. And, my fear with that word priority is the fact that a licensee can actually use that as a defensible argument, saying you know, the family had had some issues in the past, we thought things were better, we've got this foster family over here, but, you know what, the law says that I have to give priority to the reunification of the family; and at that point they are very, very defensible with this current language to say look, I put him back with the family. I think we've had some tragedies because of this type of thinking.

This change to this language has not taken any ability from the care worker to make a decision based upon what they factually believe is the right placement for this child. This language is not prescriptive. This language suggestion is very open that says listen, we know that federal law requires us to have reunification and rehabilitation for the family. Federal law requires this. This gives the care worker the ability to say listen, the first line is now not prescriptive, telling me I must put this child back with a family member and that is how this reads. Again, I've been reading policy for a lot of years and I've seen people fall down that trap. I think this is a very valid change. It does not change anybody's power with what they need to do with respect for what our children need, and I please; I beg the caucus to oppose this motion and let's go forward with the right answer in this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Parker.

Representative **PARKER**: Thank you, Madam Speaker. I rise today in opposition to the current motion. You know, I think all of us here would wish that we would make a decision on this bill one way or the other and it would end harm to all children, but, I think we're all pretty astute to know that that's not the case.

My opposition to this motion is that a month ago some foster parents in my district reached out to me. They have had two children by two separate single moms, and what they've had in their experience is that the push for reunification has happened so strongly that the children were returned to the homes without the expectations being met by the single moms, therefore their thoughts feeling that the foster children were being placed in harm. We are weighing some of the most critical decision-making process on this bill, and I think it's important for us all to realize that we are not the ones on the ground working with these families and trying to make the right decisions for these children. There is no black or white solution here. And, for that reason, I think it's very important that we do adopt the language "reasonable." 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. As an attorney in a small rural community, I practice a lot of family law. And the statutes guide these attorneys in these communities, whether it be in Newport or in Kittery or in Fort Kent, and so, the actions that we take in the Legislature are critical. And, judges interpret these, as the good Representative from Brunswick, Representative Tucker, knows that these changes in statute are significant in terms of how attorneys and the Department deal with these issues. And these are oftentimes some of the

most difficult types of cases to deal with because you're talking about, in some instances, in extreme cases, of terminating parental rights or simply even removing a child from a home. It's difficult work, on a good day. So, when you have as the priority, reunification, it does to some degree restrict the Department because of the actions that we're guiding them in terms of the policymaking body, but it also to some degree handcuffs the judges, because they also have to look at the language and look at what is the priority, and when priority is reunification, that's what it is.

Oftentimes as lawyers we look at what's in the best interest of the child. Now, if you think about that, they're really two separate things, right? What's in the best interest of the child versus reunification? It might not be in the best interest of the child to reunify. And that's the complexity sometimes of these cases, particularly when you have parents who have different views and different lenses on what's in the best interest of the child. Therefore, and oftentimes it's left to lawyers, the Department and judges to figure out what's the best action to take so that we do protect children, but at the same time that we're protecting the sanctity of the family and what, in my interpretation of the constitution, of the right of the family to raise a child. So, this is complex stuff, but I also don't think that it's static. And what I mean by that is, is just because we've done something for six years, doesn't mean we should do it for the next six. Times are a-changing. We know today that we have a drug opioid crisis in this state and oftentimes we now see parents who are in crisis because of drug situations. And, oftentimes, from my experience, you don't see parents who are in an opioid crisis situation recovering from that in 60 days or 90 days. Oftentimes it might be a six-month process or a year-long process before they get through that.

So we are in a different time, and I think that the language that is proposed here, to make a small tweak, a small change, is, in fact, a small tweak and a small change, but I think what it does is, is it allows for our judges and it allows for the Department to have a little bit more flexibility, which I think is a good thing. We have the governor who puts; the Chief Executive that puts judges forward, and we rely upon them in many ways to exercise judicial temperament and discretion on these very difficult types of cases. And this may be one of those instances where we might want to give them a little bit more flexibility, and I think that that is the proper thing to do.

Now, we'll discuss some of these other bills in terms of their impact, but I will tell you that this, from someone who's sort of on the ground practicing law, these types of changes are meaningful, because when you're sitting there and you're talking to your client and you're looking at the statute, you're guiding them on what they should do, and it's no different when the Department is sitting there and they're looking at the language and they're saying this is what we have to do. And then if it goes to the judge, the judge sits there and he says well, you know, I've got this and I have that, this is what the statute tells me what I have to do. So, this bill is fairly significant because it does change and it potentially may alter that relationship between a parent and a child, and the relationship between the state and the child. So, this is an important bill and I ask you to think about it, I ask you to vote in opposition to the current motion, because I think this small movement does allow us the opportunity to protect children, but at the same time, there are checks and balances in the system so that this doesn't go too far. We have judges, we have attorneys, we have the Department. So people are all involved in this, and I don't think that this is a change that goes too far, but I do think that it recognizes the times that we live in,

and I say that whether you live in Portland or whether you live in Newport, because this statute applies statewide; and it's significant, probably one of the most important bills we've probably have voted on this year. So, with that, I urge you to not support the current motion and follow my light. Thank you.

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

Representative **MADIGAN**: Thank you, Madam Speaker. I'd like to keep it brief. I also work on the ground with this population, parents and families impacted by involvement with the child welfare system. And, the fact of the matter is, that all the facts, all the research indicate that sometimes it is necessary to remove a child from a dangerous home, but the termination of parental rights is actually one of the most significant traumas you can inflict on a child. And that is why the evidence indicates, all the evidence indicates, that the best outcome for a child is to make reunification a priority, and supports with the family so that they remain safe. Does that mean that there's difficult decisions and that it means that you have to work harder when you work with families like this? Most certainly it does. But if we want our child welfare system to do the best by children, then we should do the best thing we know, not based on anecdotal evidence, not based on stories, but based on the evidence of years of research by people studying child welfare, which says that children do best long-term, in needing less psychiatric medication and having less involvement with special ed services, better educational outcomes, all of that, when they are returned home to their family in a safe place and we have those supports in. I would urge you to support the pending motion because I think I want to do best by kids. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. For years, Title IV-E of the Social Security Act has set our priorities in terms of child placement, and that has, of course, always been the federal government's desire, to keep families reunified, and the literature indeed supports same. Let's be quite frank. But the times have changed, and I'm just going to relate a brief story.

When I first ran for this office some ten years ago, as you well know, it's a very low bar to get elected to this body. I needed 25 signatures, and I went out on a Saturday afternoon and collected same, lost the election, decided to run again. Went out two years hence and collected 25 more signatures or actually 36, and I noticed something. On those Saturdays, these grandchildren were always with their grandparents. And, as it happened in this sleepy little town of Hancock, there I knew five families who had their grandchildren, and I did not understand it at first, to be frank. It was foreign to me. And it turns out that they had children who were opioid addicted and they became foster families or what have you. And, my point being, the landscape has changed. The defining characteristics of the opioid epidemic, is that it's chronic and it's relapsing. And those five families still have those children today, and it is the best thing for them. So, what I am saying, as I rise in opposition to the pending motion, is we need to give flexibility to these caseworkers. This is happening all over the state. The opioid epidemic is the defining feature, and the defining characteristic of that epidemic is that it's chronic, it's relapsing, the parents are doing great for three months, six months later there's a new partner and they're back at it. We have to give flexibility to our caseworkers. So, we're seeing situations in family structures we've never seen before. You know, one of these families has four children by their daughter,

with three different fathers. You know, and, yes, did I say this, no, she is pregnant again. Things have changed. I don't like these changes, but we have to empower our staff to do their job. I thank you.

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

Representative **RECKITT**: Thank you, Madam Speaker. I rise not on either side of this question right now, which probably surprised people that I'm not more opinionated. However, I go back and forth a thousand times about this. I've talked to so many people. I've talked to people who are close to the Department, not in the Department but who work with them. I, myself, worked in connection with the Department for a long time. And these are the things they tell me that put me back and forth on this bill. One is that reasonable efforts means nothing. I don't know exactly what that means, but it doesn't seem to me that it's great instruction. They tell me that current law they can; they have to make the effort at rehabilitation; I'm sorry, at reunification, but they don't necessarily have to advise for that. But the disturbing thing, to me, is that my understanding is the Department, on the first of July this year, entirely shifted what they're doing, and they have sent out memos to their workers saying that we are now going to start with the best interest of the child and that we're going to take an initial look at these families, and these are the three people that are going to make a decision about whether or not we're going to try to remove a child, without so much as talking to the families: the caseworker, the supervisor, the program advocate. They're going to make the decision if it's safe, if there is a safe parent, and, if not, they're going to put the children directly into care. I would remind you there is no foster care available, particularly on emergency basis, and many of us are unfortunately aware of that. So, all of these decisions need to have family input, and I'm not certain that they're having it right now.

I think this is a horrible problem. I'm not sure that today, in this forum, is the place to solve it. I think it's a larger problem. The Department of Human Services is a larger problem. There's a huge system that's not working. We all know that. It's not working here, it's not working in other areas as well, and we have to rebuild that system so it makes sense. So, to me, to pick one piece out and say this is going to make it better, I'm not convinced of that. And, I tell you frankly, that I'm not going to know what I'm going to; how I'm going to vote until we start putting votes on the board, and I'm going to have to make a decision because the Speaker won't let me not. So, those are the things that are running around in my head. What I want is for the Department of Human Services to work effectively and economically and humanely for parents, children, families, and I don't think that this is going to do it. I think it's going to make us; we're going to have to think about this again in six months when we start to figure out what to do about the Department as a whole. So, I'm not asking you to vote one way or the other, I'm telling you I don't even know what I'm going to do until we start. But, I think it's important that you consider that the problem is way larger than this, and this may not indeed fix what we are saying it will. Thank you very much.

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

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. I apologize for rising twice, however, I've been listening to what everybody has had to say on this very important topic, and the Representative from Newport and the Representative from Hancock hit on part

of what I was going to say in response to the Representative from York on the increased number of children or, actually, the decreased number of children who have been reunified with their families; and really it's the opioid epidemic and the substance use disorder crisis that we have in this state that has a profound impact and probably the direct correlation for those numbers, more than anything else that is affecting our families and children today. Another point that I want to make out and make very clear is just because the intent is to remove the word priority and insert reasonable effort into the statute, that does not mean that our Department of Health and Human Services, our case workers who are there to help our families, are not going to do their best to make sure that the reunification and the rehabilitation with children and family and keeping them together is not going to be a priority. It will remain a priority, because as the Representative from Waterville said and as the Representative from York has said, children do best when they are with their families. There's no question about that, and that is not being debated here about, you know, the fact that they would be doing best some place else, except; except, when it is in their best interest to not go back to that family because of the substance use disorder and the instability in a family, because of an abuse issue, a neglect issue that is long-term, ongoing, and a parent is not working a reunification effort, or they feel that there is a past history that puts a newborn child, etcetera, in direct jeopardy. And, I think these words, the reasonable effort, in those rare cases, definitely gives the Department the fluidity to be able to make these choices as they come. We can sit here and we can debate about this all night, and we can say this could happen, that could happen, that could happen, but any given day there could be a different situation happen and the Department is going to have to make a decision: what is in the best interest of those child or children? We're trying to protect babies here. It's time we stopped thinking about adults and started thinking about what is in the best interest and how do we best protect our babies, and that's what we're trying to do with this.

So, I hope, again, that you will vote against the pending motion and we can move on to the Minority Report and, Madam Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **BABBIDGE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I appreciate the deliberation that I'm hearing today and I understand the difficulty of this question. I used to; as a younger teacher, I remember a couple of events that I thought were very relevant to the classroom when it was talking about the dilemma of government, and one such case study was that of a young woman in Lewiston who fell upon difficult times. She had a, I think it was a 3-year-old and an infant and was; had a felon boyfriend and was; because they couldn't find a foster home for her she was put in a motel, and the infant child was actually found murdered, actually a sock in its mouth and so forth, and the question became: how could HHS let this happen? This is negligence. And then we looked at another case study where, down in York, a woman goes to a hospital and an x-ray is taken of her child and the nurse recognizes a series of broken bones and feels mandatory reporting, reports to HHS and the end result was that HHS removed the children from the home. The family, of course, became stigmatized.

Six or seven months later they find out the child had a brittle bone disease and that HHS had made a terrible mistake by acting. So, the question for my students is to have empathy for the dilemma of the caseworker that must deal with these very difficult questions. We've had recent events here in the State of Maine that make it very understandable for some of this legislation to be proposed. I guess I would like to ask a question through the Chair, if I may?

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

Representative **BABBIDGE**: Thank you, Madam Speaker. What I'm asking is: is what we're proposing in this bill actually; has it been demanded by caseworkers who feel handicapped by the present system? Thank you, Madam Speaker.

The **SPEAKER**: The Representative from Kennebunk has posed a question through the Chair. The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It is my understanding that this bill does not change the priority of reunification, it rather helps focus on what is in the best interest for the child, and that this proposal is the result of recommendations from a very detailed report: and I wondered if I might pose a question through the Chair?

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

Representative **SIROCKI**: I wonder if someone could express a little bit more information regarding this report and the recommendation that's here before us. It was explained to me that this was a very well-thought-out and detailed report and this had been thoroughly examined, and I would like a little more information regarding the report. Thank you.

The **SPEAKER**: The Representative from Scarborough has posed a question through the Chair, if there is anyone able to answer. The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Madam Speaker, Women and Men of the House. This debate is confusing me because it seems to be mostly about language and the importance to change it in order to do something that will benefit the welfare of our children. And, so, as I read the General Provisions of Subchapter 1 of Chapter 1071 of Title 22, this whole section that we're amending comes under the purpose of the chapter, and in so it reads: "It is the intent of the Legislature that this chapter," and then it enumerates what the intent of this Legislature is. In the debate, I am hearing that we are not actually making reunification not a priority, even though we're striking that out and replacing it with what is in the bill, which is rehabilitation and reunification. So, the word priority is removed. And, I'm hearing that we're still making it a priority, so that confuses me. I'm also hearing that this is not prescriptive, although the word require is prescriptive. And then it says that reasonable efforts be made. Aside from that being a passive construction, I don't actually know what reasonable efforts are, and so I would pose a question through the Chair, if I may?

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

Representative **HICKMAN**: Is there any other place in rule, because I can't find it yet in the brief reading of the law that follows the intent of this chapter, that these reasonable efforts are actually outlined somewhere that someone could look at, a judge perhaps, to say that these efforts were made and failed, and so we have to remove a child or some other way; I find the phrasing here passive and confusing and actually ambiguous. And, so, when I hear that what we're doing is giving flexibility to caseworkers, it looks like we're creating a cloud of confusion, because this is in the purpose section of the chapter, but

there's nothing to define what a reasonable effort is. And, so, if someone could tell me that there's a place where these reasonable efforts are outlined, it would help me with my vote. Thank you, Madam Speaker.

The **SPEAKER**: The Representative from Winthrop, Representative Hickman, has posed a question through the Chair if there is anyone who is able to answer. The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Madam Speaker. I can make some attempts based on the information we had at the public hearing. Number one is that California had the same issue of how to define reasonable effort, and so there they did it with a lot of words and two pages of definition that we thought was in itself too prescriptive. The words reasonable efforts come from the US Code, Section 671, which talks about the state plan for foster care and adoption assistance, and I'll read it because it's a cascade of intent. It starts with the cascade: "In determining reasonable efforts to be made with respect to a child as described in this paragraph and in making such reasonable efforts the child's health and safety shall be of the paramount concern." It says, "Except as provided, reasonable effort shall be made to preserve and unify families." That's the first part of the cascade. If that's not possible for a child to return safely to the child's home, reasonable effort is determined to be inconsistent with the permanency plan for the child, reasonable effort shall be made to place the child in a timely manner in accordance with the permanency plan. So, the cascade from the federal code starts off with reasonable effort shall be made to preserve and reunify families. If that is not possible then reasonable effort shall be made to determine a permanency plan. A lot of the money that we get for these services comes from the federal government and so this determination determines this cascade of thinking. However, in the state language, the word priority serves as a signal to the court that that is an important piece, the same way that the federal code determines that it's an important piece. But, that is where, I believe, the words reasonable effort comes from. I hope that answers the question somewhat.

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

Representative **MC CREIGHT**: Thank you, Madam Speaker. This is related to some earlier questions. I don't have any evidence that this was asked for by caseworkers, but I can tell you that several of the people who have done protective services in their careers for years and years and have taught child welfare courses have asked, pled with us not to rush, that the pendulum swings every time there's a situation of crisis, we tend to go too far. So, the plea was made don't go; don't rush into this.

There have been several comments in the debate that this doesn't make a big difference, and yet we're debating it at length, so there must be some reason that we would want this to change. And I agree with the Representative from Newport that this would make a distinct change in the parent-child relationship or the way we see it and the way we deal with it. We have protections that parents and the child relationship is very important, we have evidence that reunification is; reduces trauma from children being removed permanently. And I also agree that we live in troubled times, but that doesn't mean that it takes away parents' rights as parents. It means that instead we need to address those issues that we're facing, whether it's the opioid crisis, poverty, lack of the safety net that has been changed dramatically in recent years. And, as someone who

worked with children, families, adolescents, in schools, in their homes, in crisis situations, I can tell you that nothing is more important than that parent-child relationship, so I would ask people to support the motion Ought Not to Pass.

The **SPEAKER**: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Madam Speaker, and I apologize for rising again. I will be brief. I do think that this change brings us a little bit more into compliance with what some of the changes have been in the federal law. I think it's important to note that that flexibility is important. I appreciate everything that's been said on both sides of this. It is indeed a complex issue, but it's I think important for us to come into compliance with federal law and to deal with the reality associated with the opioid epidemic, which has, as I said earlier, changed the landscape. Thank you.

The **SPEAKER**: The Chair will just remind members that if you are coming in or out of your seat not to cross in front of the member who is speaking. The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Madam Speaker, Men and Women of the House. I feel like we're kind of barking up the wrong tree here. We're discussing a language, a relatively small language change. We've heard other speakers talk about the importance of family reunification and also the low and declining rate of family reunification. I think the issue is we're not putting enough resources and effort into family rehabilitation and reunification to get the best results for the child. I don't see how this language change will help that best outcome happen for more children. You know, it's; the foster system is a last resort and I don't think making it easier for a child to go into the foster system is going to benefit those children. We need to put more resources and more effort into family rehabilitation and reunification because that's, you know, the evidence is clear that's the best place. So, that's why I'm going to vote against this and I urge you to vote for the pending motion and I urge you to vote green as well. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative **PIERCE**: Thank you, Madam Speaker, and I apologize for rising twice. I think this is the first time in four years I've found an issue this important to rise twice. This language is a small piece, as everybody has said, but, you know, how do you eat an apple? One bite at a time. We had LD 1919, LD 1920, LD 1921, and we have coming down LD 1923; these are all small pieces. But, when put together, they give the Department and Child Protective Services some much-needed tools that they have not had.

To address a couple comments or questions, there were people who testified at the Government Oversight Committee on Child Protective Services that said reunification is the best thing you can do for a child when appropriate; but there's a lot of times that that should not be the priority, because you take the child from someone's daughter, they put it with their mother, and the next thing you know the daughter still has custody of the child and their behavior continues. It's not every case, thank God, or we'd be having a lot more problems with child deaths in this state. This is a real serious piece of language, folks; priority. Do we really want to keep that? If we're not going to change today and we're going to keep looking at it, what day do we change? When do we change? Look at the drugs in your community. Look at these kids that are found in cars with their parents overdosed. Do you want to put them back in that family if there's a history with that whole family? These child care workers go through a lot of trauma

and decisions. Nobody; nobody makes the decision to take a child out of a family and place it with a foster family without second-guessing themselves. We put these people under an enormous amount of pressure by using the word priority. Look at all four of these bills in context. Don't just pick one and a couple words. Think about it. Do you really want to help children in Maine? Then start today. Don't wait until the next legislative session. I urge you to; this motion to fail. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE**: Thank you, Madam Speaker. And, you know, Representative Fredette and Representative McCreight both stated this earlier, that you have to think about how the courts look at laws like this when they come to enforcement of who; whomever is responsible for taking care of our children. There is not a caseworker out there that ever wants to take a child away from the family, I; and if any case workers in this room, and I know my good friend from Harpswell, Representative McCreight is a social worker and I know my good friend, Representative Madigan from Waterville is a case-worker. They would never take a child away from the family, and federal law requires that, but when the courts look at something like this, there's a reason they put this language change in. This language change does not change the authority of the caseworker making their decision. The change in this language allows them to be less prescriptive. Again, I mean, 14 years as a policy in the pharmacy world, these words matter and when you say something like priority, somebody could hang their hat on that, saying, well, I had one family here and I had the family; I had the family here and a foster family here and, you know what, it says that I must give the family priority with respect to the well-being of these children, and it is not always the best case. I think the best case we've given our caseworkers is allowing them to have this flexibility. This is not just something that somebody threw at the wall. This is a really important change. I respect the opinions in the civil debate we've had on this. This is; I'm very proud of the discussion we've had on this debate, because it's been very respectful, it's been very professional and everybody has a very valid opinion. The problem is, is that this does reach a level of how the courts interpret rules, and of course you have to interpret those of us that have to work with the interpretation of the court's rules with regards to how you look at this. But, the reality is, is that that first sentence starts out very prescriptively, and the second sentence does not negate the caseworker's obligations to make the best determination in the best case interest of that child. It really, it's; I think we might be overcomplicating it. No one is telling somebody to go away from family reunification. Again, Representative Madigan is never going to try to place a child outside of the family when she doesn't have to, and if I'm wrong, I please request her to stand and tell me that I'm dead wrong. It's not going to happen. Thank you, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'll be very brief, and I do want to applaud the House. I think this has been one of the most respectful, intellectually honest and heartfelt conversations that we've had in this body in the last two years, and so I applaud the people that have spoken on this issue on both sides.

I just want to give you a little bit of context of some of the cases that I've been involved in in regards to DHHS. And, I

mean, sometimes you'd say I can't even believe this is happening, but I've been involved in cases, for example, when DHS has come in and said to the female mother of the child, you know, unless you move out of your apartment and not live with the pedophile you're living with, we're going to take your child from you. That's real. I've also been involved in cases where the Department has come in and said if you do not leave this situation with your abusive partner, whether it be the father of the child or not, we're going to have to do some; take some actions to protect the child. I mean, these are the kinds of conversations that happen every day in this state, where children are in unsafe situations, but sometimes parents are in unsafe situations. And the Department has to have some leverage and oftentimes that leverage is, you know, we may have to remove the child from the home, whether it's because of domestic violence, maybe the spouse is a drug pusher, maybe there; there's all kinds of things that you will not think happens every day in this state, but it happens. And so, unfortunately, while I agree with some of the comments in regards to we have to work with the family, well, of course we have to work with the family. But, I think that we have to recognize there are less than perfect situations out there that people are living in throughout our state every day, and part of it is driven by poverty, some of it's driven by lack of education, some of it's driven by unemployment in different parts of the state. But, the point of it is, is that we have to protect the parent-child relationship, but you can't do that at the expense of the safety of the child. And I've been involved in cases where the Department has come in and said to the mother of the child, you know, we're going to remove the child for a short period of time, and if you do A, B and C, and that might include a partner moving out, it might mean going and getting some counseling, it might mean getting some courses on how to raise a child. If you do A, B and C, then in 90 days the child will be back with you. And so, when those clients come in and see me I said you better do A, B and C, because if you don't, X is going to happen. So, the conversation about reunification, which I agree with, ought to be a "priority," but I don't think we necessarily need it in the statute. And I just will respond to one last question that someone asked about what was a reasonable effort. Well, in the law, every day we deal with issues on negligence and the standard on that is whether or not a reasonable person acted in a reasonable way under the situation and under the facts. We don't prescribe what that is, but we all generally know, you know, if someone's crossing the street you shouldn't step on the gas. So, you know, while not being prescriptive, I think, you know, when you say reasonable efforts, every situation is probably going to be different, but that's why we give judges a certain amount of discretion and we also give them a lot of authority in these kinds of cases; in terms of trying to evaluate what is reasonable. But, again, I think this is a small step but a significant step in terms of protecting children. And, again, I do think it is a different landscape, as some have spoken about. But I do appreciate the conversation that we've had here, and I appreciate it. Thank you, Madam Speaker.

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

Representative **MADIGAN**: Thank you, Madam Speaker. If I have any expertise, I think it's being a father. I raised seven children and I have a lot of grandchildren and I come from a large family. I'm the third oldest of 48 grandchildren that my mother's mother had. My mother was the oldest of 11. I'm hearing an awful lot of discussion about removing the word priority, but the way I read the current law, under Subsection 3

of Section 1, it says "give family rehabilitation and reunification priority but prevent needless delay for permanent plans for children when rehabilitation and reunification is not possible." To me, all the flexibility is already in current law, but to remove priority for family and simply say reasonable effort, waters down what originally was put in the law because we understand how important it is that children know who their family is. And, believe me, I know who my family is, and we've seen every one of these kind of issues over such a large family over the years. I, myself, raised a nephew for eight years because of a situation, I was granted guardianship. Me, I can't support watering down just a little bit that extra mile that we should be going for to make sure that family remains important. Thank you.

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

Representative **TIMBERLAKE**: Madam Speaker, Ladies and Gentlemen of the House, I promised myself I wasn't going to say anything today. I blew that. I think anybody that knows me in this building knows there's one thing that I've always valued, and that's family, and kids. I have a really, really weak spot for children. And, my question is, as I sat here and listened to the debate, and I do, I agree with everybody here, it's been a great debate, and we've had very civil comments from both sides and I feel what both sides are believing. So, probably what I'm about to say is probably not going to change your mind but I'm going to say it anyway. My question is: are we more worried about the parents, or are we worried about the children who have been put into this situation by the parents? We need to give these caseworkers the authority to do what is right for the child. This wording helps them, I believe. If we can save one child's life between now and the start of the 129th Legislature, why would we not want to do this? If we got a better idea, or if someone's got a better idea in the 129th, they can bring that idea forward and we can change this again, but we cannot stay on the same path that we've been on and expect a different situation. I've always heard that this is the way we've always done it and this is the way we've been doing it, but it obviously hasn't worked because we've got two dead children. So, I ask you to think, is it time that we try a new path for a little while? And this wording will help us try that new path. Now, I hope you'll join me in voting down the current motion, and vote for the Ought to Pass on the next motion. So, thank you very much.

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

Representative **SIROCKI**: Thank you, Madam Speaker, and thank you, Ladies and Gentlemen of the House. I took the time to look up the OPEGA report, Office of Program Evaluation and Government Accountability, and the information brief states: "On March 9, 2018, the Government Oversight Committee directed OPEGA to determine the facts surrounding the handling and response to potential child abuse and neglect reports received by DHHS in the cases of Marissa Kennedy and Kendall Chick. This fact-finding is the initial phase of a broader review Maine's Child Protection Services." It goes on to say, "OPEGA reviewed and analyzed records of entities involved with the two children. We also reviewed statutes, rules, policies, and procedures and obtained additional information through interviews." This appears to be a very thorough report. It was issued of May of 2018. So, this information has been available and has been reviewed, and this report is the basis for which this bill was generated, I believe. I do not support the pending motion and urge you to follow my light.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I too appreciate the debate. I know that we're all here because we care about children and we want to avoid tragedies like; such as those that have happened in the past year and previously including in foster families. Reunification is a very important issue and I appreciate that we're giving time to it. There are some other issues here that I think we also need to think about as well.

In my, I guess it's ten years now in the Legislature, I've seen oftentimes efforts that are well-intentioned but in the end are not really the solution to the problem that is before us, and sometimes are even, because they are not informed by evidence, actually take us backwards and not forwards, and I want to make sure we avoid that. I know we all do. The evidence is critical here and I look to folks such as the Child Welfare ombudsman, Madam Speaker, as well as the Maine Children's Alliance for guidance in times like these, where I know that what I know is a lot less than these people that really look at the evidence carefully. The Maine Children's Alliance, in their testimony on this bill, warn that it could have adverse consequences for the welfare of our children, that it could be a step backwards. They spoke of the importance of articulating carefully with the federal law, and there are some new federal laws that have come down pertaining to exactly this issue and we need to be very cognizant of that. In addition, both the ombudsman and the Maine Children's Alliance made very clear that this is a solution that will not work as effectively as some other legislation that is coming before us, and, forgive me while I just call up a specific quote. The Child Welfare ombudsman has reviewed the incidences where the reunifications have not worked out and, specifically, and I quote, "when the child is reunified with the parents when the situation is not yet safe for the child." They go on to say that in these cases, "the causes of mistakes in these cases are not issues with wording or construction of the statute. Problems in reunification cases usually involve lack of resources, lack of ongoing assessment of the case, failure to provide reunification services, or misjudgment of the level of safety of the parents. To correct these issues, better ongoing training, better resources, smaller caseloads, and better access to clinical judgement of the rehabilitation of parents are necessary." Fortunately, many of these issues would start to be addressed in an effective way in another bill, LD 1923.

So, Madam Speaker, I hope that we can soon move on to an effective solution, an evidence-based solution, one that we can all feel good about and avoid unnecessary, unadvised steps backwards into territory that we really don't fully understand at this time. Thank you.

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

**ROLL CALL NO. 744**

YEA - Babbidge, Bailey, Berry, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fecteau, Frey, Gattine, Grant, Handy, Hickman, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Longstaff, Madigan C, Madigan J, McCreight, McLean, Melaragno, Monaghan, Moonen, Pierce T, Reckitt, Schneck, Sheats, Stanley, Sylvester, Talbot Ross, Tepler, Tipping, Tucker, Tuell, Warren, Madam Speaker.



NAY - Ackley, Alley, Austin B, Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, DeChant, Dillingham, Doore, Espling, Farrin, Fay, Foley, Fredette, Gillway, Ginzler, Golden, Grohman, Guerin, Hamann, Hanington, Hanley, Hawke, Head, Herbig, Herrick, Higgins, Johansen, Kinney J, Lawrence, Lockman, Luchini, Lyford, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, Ordway, Parker, Perkins, Picchiotti, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sirocki, Skolfield, Spear, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Zeigler.

ABSENT - Battle, Beebe-Center, Blume, Daughtry, Fuller, Gerrish, Grignon, Haggan, Harlow, Harrington, Harvell, Hilliard, Hogan, Kinney M, McElwee, Nadeau, O'Connor, O'Neil, Parry, Perry, Pickett, Riley, Rykerson, Sampson, Sanborn, Sherman, Simmons, Terry, Ward, Wood.

Yes, 46; No, 74; Absent, 30; Vacant, 1; Excused, 0.

46 having voted in the affirmative and 74 voted in the negative, 1 vacancy with 30 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative HYMANSON of York, the Minority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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** in concurrence.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-548)** on Bill "An Act To Improve the Child Welfare System" (EMERGENCY)

(S.P. 758) (L.D. 1923)

Signed:

Senators:

CHIPMAN of Cumberland  
KATZ of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-549)** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

CHACE of Durham  
SANDERSON of Chelsea

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-548)**.

**READ.**

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

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

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

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

**ROLL CALL NO. 745**

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Berry, Bickford, Black, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Chapman, Collings, Cooper, Corey, Craig, DeChant, Denno, Devin, Dillingham, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Gattine, Gillway, Ginzler, Golden, Grant, Grohman, Guerin, Hamann, Handy, Hanington, Hanley, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Ordway, Parker, Perkins, Picchiotti, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Reed, Sanderson, Schneck, Seavey, Sheats, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Talbot Ross, Tepler, Theriault, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Warren, White, Winsor, Zeigler, Madam Speaker.

NAY - Chace.

ABSENT - Battle, Beebe-Center, Blume, Cebra, Daughtry, Fuller, Gerrish, Grignon, Haggan, Harlow, Harrington, Harvell, Hilliard, Hogan, Kinney M, McElwee, Nadeau, O'Connor, O'Neil, Parry, Perry, Pickett, Riley, Rykerson, Sampson, Sanborn, Sherman, Simmons, Terry, Ward, Wood.

Yes, 118; No, 1; Absent, 31; Vacant, 1; Excused, 0.

118 having voted in the affirmative and 1 voted in the negative, 1 vacancy with 31 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-548)** was **READ** by the Clerk.

Representative MALABY of Hancock **PRESENTED House Amendment "A" (H-811)** to **Committee Amendment "A" (S-548)**, which was **READ** by the Clerk.

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

Representative **MALABY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Much has been stated today about this law or, excuse me, the laws and indeed the child welfare system, and a great deal of time, attention, and money has been focused on said system. I would like to return, with my amendment, to an observation that was seemingly universal throughout the testimony, and that is the major byproduct of the child welfare system for our children, indeed the parents, and some of the staff, is that trauma accompanies just about every activity. When a child is removed, when a child is exposed to abuse and neglect, trauma is present, and it becomes deep-seated, it becomes

recurring in nature. My suggestion, indeed, my amendment is to do the following: I would like to create a separate reimbursement rate for trauma focused cognitive behavioral therapy. This is an evidence-based practice that can be used to address the trauma of the children, and it is perhaps the best methodology we have to try and address; remove this trauma, and, indeed, prevent a lifetime of recurring problems of societal ills. We have historically not well-supported financially those practitioners of behavioral health care who provide this service. This is a request for a one-time study to establish a rate that is competitive, that will do the following. It will clear the wait list. It will address all the needs and it will recover the costs necessary for the training and indeed the fidelity to the model, which is critical for evidence-based practices.

You know, in behavior health care, we do a lot of services, and I've got to be honest, I'm not sure all of them have efficacy. But our evidence-based practices are what we need to be supporting, and trauma is at the root of just about every problem we encounter in the child welfare system, so I ask for your support. As I said, we have spent a great deal of money redesigning a system, adding software, indeed, hardware, wage increases, stipends; we're doing a number of very good things, most necessary. I'd like to get back to the children and address their needs. Thank you.

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

Representative **HYMANSON**: Thank you, Madam Speaker. I so appreciate Representative Malaby, my good friend from Hancock, and colleague on Health and Human Services for so long. Thank you for your service. His amendment, and I will fully support it, the trauma focused behavioral therapy is so important. We talk about adverse childhood events being the cornerstone of dysfunction for kids as they grow up into adults, and this is one evidence-based program that, given enough resources, could help prevent adverse childhood events. So, thank you, and I will wholeheartedly support this amendment.

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

Representative **MADIGAN**: Thank you, Madam Speaker. I also wish to thank my colleague, Representative Malaby. He's been a great advocate of behavioral health services for children. In this case, trauma focused cognitive behavioral therapy is the treatment of choice for kids who have experienced the severe trauma that comes with child abuse and losing their birth family in the case of termination of parental rights. So, this is the right thing to do for kids. Thank you.

Subsequently, **House Amendment "A" (H-811) to Committee Amendment "A" (S-548) was ADOPTED.**

**Committee Amendment "A" (S-548) as Amended by House Amendment "A" (H-811) 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-548) as Amended by House Amendment "A" (H-811) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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Eight Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-546)** on Bill "An Act To Modify the Expungement Requirements for Records under the Child and Family Services and Child Protection Act" (S.P. 754) (L.D. 1920)

Signed:

Senators:

BRAKEY of Androscoggin  
CHIPMAN of Cumberland  
KATZ of Kennebec

Representatives:

HYMANSON of York  
CHACE of Durham  
DENNO of Cumberland  
MADIGAN of Waterville  
PERRY of Calais

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

Signed:

Representatives:

McCREIGHT of Harpswell  
PARKER of South Berwick

One Member of the same Committee reports in Report "C" **Ought to Pass** on same Bill.

Signed:

Representative:

SANDERSON of Chelsea

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-546).**

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (S-546) 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.**

Representative HERBIG of Belfast **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-546).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-546). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 746**

YEA - Ackley, Alley, Austin B, Austin S, Berry, Bickford, Black, Bradstreet, Campbell, Casas, Chace, Cooper, Corey, Craig, Denno, Devin, Dillingham, Espling, Farrin, Fay, Foley, Fredette, Gillway, Ginzler, Grant, Grohman, Guerin, Hanington, Hanley, Hawke, Head, Herbig, Herrick, Higgins, Johansen, Kinney J, Lockman, Lyford, Madigan C, Malaby, Marean, Mason, Mastraccio, Ordway, Perkins, Picchiotti, Pierce J, Pouliot, Prescott, Reed, Seavey, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Zeigler.

NAY - Babbidge, Bailey, Brooks, Bryant, Cardone, Chapman, Collings, DeChant, Doore, Duchesne, Dunphy, Farnsworth, Fecteau, Frey, Gattine, Golden, Hamann, Handy, Hickman, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan J, Martin J, Martin R, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Parker, Pierce T, Reckitt, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Tipping, Tucker, Warren, Madam Speaker.

ABSENT - Battle, Beebe-Center, Blume, Cebra, Daughtry, Fuller, Gerrish, Grignon, Haggan, Harlow, Harrington, Harvell, Hilliard, Hogan, Kinney M, McElwee, Nadeau, O'Connor, O'Neil, Parry, Perry, Pickett, Riley, Rykerson, Sampson, Sanborn, Sanderson, Sherman, Simmons, Terry, Ward, Wood.

Yes, 68; No, 50; Absent, 32; Vacant, 1; Excused, 0.

68 having voted in the affirmative and 50 voted in the negative, 1 vacancy with 32 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-546)** in concurrence.

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

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**ENACTORS**  
**Emergency Measure**

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

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

(H. "D" H-809 and S. "A" S-494 to C. "A" H-782)

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. 109 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Grant the Department of Health and Human Services Access to Criminal History Information To Achieve the Purposes of the Child and Family Services and Child Protection Act

(S.P. 755) (L.D. 1921)

(C. "A" S-547)

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

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

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**Acts**

An Act To Amend the Child and Family Services and Child Protection Act

(S.P. 756) (L.D. 1922)

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.

**Acts**

An Act To Modify the Expungement Requirements for Records under the Child and Family Services and Child Protection Act

(S.P. 754) (L.D. 1920)

(C. "A" S-546)

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

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

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**Emergency Measure**

An Act To Improve the Child Welfare System

(S.P. 758) (L.D. 1923)

(H. "A" H-811 to C. "A" S-548)

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. 105 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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**SENATE PAPERS**

The following Joint Order: (S.P. 760)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so today, August 30, 2018, 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 objections of the Governor.

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

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

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass pursuant to Joint Order 2017, H.P. 1367** on Bill "An Act To Provide Funding for the Conduct of Elections" (EMERGENCY) (H.P. 1368) (L.D. 1925)

Signed:

Senators:

HAMPER of Oxford

KATZ of Kennebec

BREEN of Cumberland

Representatives:

GATTINE of Westbrook

FREY of Bangor

JORGENSEN of Portland

TEPLER of Topsham

HUBBELL of Bar Harbor

MARTIN of Eagle Lake

TIMBERLAKE of Turner

Minority Report of the same Committee reporting **Ought Not to Pass pursuant to Joint Order 2017, H.P. 1367** on same Bill.

Signed:

Representatives:

WINSOR of Norway

SEAVEY of Kennebunkport

SIROCKI of Scarborough

**READ.**

Representative GATTINE of Westbrook moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Representative **GATTINE**: Thank you, Madam Speaker, Women and Men of the House. I just wanted to offer a brief explanation of this bill that many of you are seeing for the first time.

This is a bill that we reported out of the Appropriations Committee this evening while we were on break. We passed this bill based on information we received from the Secretary of State that additional funding was needed to carry out the costs of the upcoming general election. So, this bill appropriates \$334,330 for the upcoming election, primarily based upon additional printing costs that the Secretary of State, and through its vendors, has determined that it needs for the purposes of the election. So, I just wanted folks to understand what this bill was and, Madam Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

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

Representative **TIMBERLAKE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Over here on my side of the aisle, you'll notice that I voted in favor of this bill, and I'm going to tell the body why I did that is because I asked the Secretary: if we don't give you this money, what happens? And, what happens is he goes forward and still has to do it, because the election has to go on, and we're still going to spend the money, except at the end of the day, starting next session, we'll have had to pay a 3% interest charge. So, I learned a long time ago I'm either going to pay the bill now or I'm going to pay the bill later, but I'm going to pay the bill.

So, if you don't want to vote in favor of this bill, you can add \$10,000 onto the bill and you can just add another \$10,000 on and cost the taxpayers of Maine another \$10,000. So, I'm going to vote in favor of awarding this money now because we have the money to pay the bill, we need to pay it. Do I agree with how it's ended up here and why it ended up here? No. But, the fact of the matter is, this election is going to take place and it's going to cost us this money, so please join me in supporting this bill. Thank you.

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

**ROLL CALL NO. 747**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Berry, Bickford, Black, Bradstreet, Brooks, Bryant, Cardone, Casas, Chace, Collings, Cooper, Corey, DeChant, Devin, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Gattine, Gillway, Ginzler, Golden, Guerin, Handy, Hanington, Hawke, Head, Herbig, Hickman,

Higgins, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Parker, Perkins, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Schneck, Sheats, Spear, Stanley, Stearns, Stewart, Strom, Talbot Ross, Tepler, Timberlake, Tipping, Tucker, Tuell, Vachon, Wadsworth, Wallace, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Campbell, Craig, Dillingham, Hanley, Johansen, Lockman, Lyford, Ordway, Picchiotti, Reed, Seavey, Sirocki, Skolfield, Stetkis, Sutton, Turner.

ABSENT - Battle, Beebe-Center, Blume, Cebra, Chapman, Daughtry, Denno, Fuller, Gerrish, Grant, Grignon, Grohman, Haggan, Hamann, Harlow, Harrington, Harvell, Herrick, Hilliard, Hogan, Kinney M, McElwee, Nadeau, O'Connor, O'Neil, Parry, Perry, Pickett, Riley, Rykerson, Sampson, Sanborn, Sanderson, Sherman, Simmons, Sylvester, Terry, Theriault, Ward, White, Winsor, Wood.

Yes, 91; No, 17; Absent, 42; Vacant, 1; Excused, 0.

91 having voted in the affirmative and 17 voted in the negative, 1 vacancy with 42 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Representative GATTINE of Westbrook **PRESENTED House Amendment "A" (H-812)**, which was **READ** by the Clerk and **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-812)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

The SPEAKER: Announcement from the Chair. While this piece of paper is being distributed. We expect one more legislative day, and I hope will adjourn *sine die* on that day at; for planning purposes, I would plan on mid- to late-week the week of September 10th, exact date to be determined as soon as we have it. That will allow the Chief Executive ample time to issue vetoes.

**ENACTORS**

**Acts**

An Act To Provide Funding for the Conduct of Elections  
(H.P. 1368) (L.D. 1925)  
(H. "A" H-812)

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**.

On motion of Representative CAMPBELL of Orrington, the House adjourned at 11:00 p.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 objections of the Governor, pursuant to the Joint Order (S.P. 760) and in honor and lasting tribute to the Honorable John T. Buck, of Yarmouth; Chris Cousins, of South Paris; James A. Sheppard, of Scarborough; and Senator John McCain from Arizona.