

MAINE STATE LEGISLATURE

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Journal and Legislative Record
House of Representatives
One Hundred and Twenty-Ninth Legislature
State of Maine

Daily Edition

First Regular Session
beginning December 5, 2018

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ONE HUNDRED TWENTY-NINTH LEGISLATURE
SECOND REGULAR SESSION
6th Legislative Day
Tuesday, January 28, 2020

Representative MOONEN of Portland assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.

Prayer by Pastor Madelyn Hennessey, First Parish Congregational United Church of Christ, Freeport.

National Anthem by Gray-New Gloucester High School Band, Gray.

Pledge of Allegiance.

Doctor of the day, Sydney Sewall, M.D., Hallowell.

At this point, a message came from the Senate borne by Senator Libby, of Androscoggin, of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 10:45 in the morning for the purpose of extending to the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend the Joint Convention and to make such communication as pleases the Chief Justice.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:45 in the morning and the Speaker appointed Representative BAILEY of Saco to convey this message to the Senate.

The Journal of Thursday, January 23, 2020 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 733)

JOINT RESOLUTION RECOGNIZING THE 75TH ANNIVERSARY OF THE LIBERATION OF THE AUSCHWITZ CONCENTRATION CAMP AND THE WORKING DEFINITION OF ANTISEMITISM ADOPTED BY THIRTY-ONE MEMBER COUNTRIES OF THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE

WHEREAS, January 27, 2020 is International Holocaust Remembrance Day and marks the 75th anniversary of the liberation of the Auschwitz concentration camp; and

WHEREAS, on this anniversary, the Legislature recommits itself to combating the global rise in antisemitism; and

WHEREAS, on May 26, 2016, 31 member countries of the International Holocaust Remembrance Alliance, of which the United States is a member, adopted a legally nonbinding working definition of antisemitism; and

WHEREAS, the working definition reads as follows: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities"; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take

this opportunity to recognize the 75th anniversary of the liberation of the Auschwitz concentration camp and the working definition of antisemitism.

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

READ

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. Yesterday was Holocaust Remembrance Day. Seventy-five years ago yesterday, January 27, 1945, Auschwitz Concentration Camp was liberated. 1.3 million people were sent to this camp. At least 1.1 million of them died, 90% were Jews.

Yesterday there was a ceremony at the site of the concentration camp. A couple hundred survivors made the trip back there. Ron Lauder, President of the World Jewish Congress, brought the crowd to tears with the story of a survivor who was separated from his family. The man watched his young daughter in a red coat walking to her death, turn into a small red dot in the distance, disappearing forever. Mr. Lauder told the crowd, do not let this happen again to any people. I echo the words of Mr. Lauder; do not let this happen again to any people.

It is important to remember history. Those who do not remember history are doomed to repeat it. I am saddened to discover that a recent poll revealed that nearly half of American adults are unaware of the details of the Holocaust. But remembering history isn't enough; we must also reflect on it. What drove the Germans to exterminate 11 million people and imprison millions more? Did an intelligent, civilized society suddenly become deranged and insane? I think we should look deeper into what led to such horrors. These are the lessons that cannot be forgotten. First, the Nazis divided people into groups. No longer were they just Germans, they were divided into groups and among these groups were Jews, Catholics, Gypsies and homosexuals. Then they vilified these groups while simultaneously imposing unprecedented influence over the country's youth. They controlled the media. They disarmed the people in the name of safety. Brownshirts intimidated the opposition into silence. Violence was accepted. Speech that was opposed by the Nazis was silenced. Books were burned. By the time people knew something was really wrong, that this isn't right, it was too late; they were powerless to stop it.

So, let us remember the lessons of the Holocaust. Let us not be divided into groups. Let us all be Americans, undivided by race, religion or sexuality. Let us protect all speech. Protect the speech of all, even those you oppose. Whether it is voices like Alexandria Cortez, or the UMaine College Republicans or Michelle Malkin. We should not allow intimidation or censorship of speech in a free country. Let us protect the right of a free people to defend themselves. A government of the people has no justification or reason to fear or disarm its own people. Remembering these lessons of the Holocaust should help us ensure that it is never repeated. Thank you, Mr. Speaker.

Subsequently, the Joint Resolution was **ADOPTED** in concurrence.

Subsequently, Representative BAILEY of Saco reported that she had delivered the message with which she was charged.

The following Joint Resolution: (S.P. 734)
**JOINT RESOLUTION RECOGNIZING JANUARY 31, 2020
AS EITC AWARENESS DAY**

WHEREAS, in order to promote the federal and Maine state earned income tax credit, which enhances family household budgets, we recognize January 31, 2020 as EITC Awareness Day; and

WHEREAS, 4 of 5 people eligible for the credit claim it, which demonstrates the importance of raising awareness of this credit and urging individuals to find out if they qualify for it; and

WHEREAS, throughout the State, IRS-certified volunteer tax preparers who are members of CASH Maine, a collaboration of 10 statewide coalitions including 50 nonprofit and for-profit partners, and AARP Foundation Tax-Aide provide free federal and state tax preparation; and

WHEREAS, since 2003, CASH Maine has also educated hard-working families and individuals about programs in the community that can increase their income, reduce debt and build savings; and

WHEREAS, in 2019, these volunteers helped Maine residents save more than \$3,800,000 in tax filing fees and claim nearly \$4,200,000 in earned income tax credits, returning over \$20,600,000 to Maine residents in federal income tax refunds; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize January 31, 2020 as EITC Awareness Day; and be it further

RESOLVED: That we send our appreciation to all the volunteers who participate in EITC Awareness Day for the benefit of Maine citizens and we urge participation in this worthy cause.

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

READ.

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Gorham, Representative Terry.

Representative **TERRY:** Thank you, Mr. Speaker. First, a reminder that it's only about six weeks till March 15th, Tax Day. The Earned Income Tax Credit is a tax tool that can be used by working families all over the country to help them stay out of poverty. Thanks to the good work of this body, Maine was able to raise our Earned Income Tax Credit last year so our working citizens can put their dollars to good use, hopefully without going into debt or the need for State services. But there is a gap between those that use the Earned Income Tax Credit and those that qualify and because of this, I present this Joint Order to call January 31st Earned Income Tax Credit Awareness Day.

There are agencies all over our communities that help qualified folks with free tax preparation services, to help with the Earned Income Tax Credit and other credits that they qualify for. On Thursday morning, a group of these organizations will be at the State House spreading the word of their services. I hope that we all get a chance to visit them in the Cross Cafeteria for breakfast before session and gather the necessary information for each of our communities to be able to share with our constituents. I urge the members of this House to spread the word on Friday and every day between now and March 15th in our towns to help our neighbors become aware of this great program. Thank you, Mr. Speaker.

Subsequently, the Joint Resolution was **ADOPTED** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 290)

**STATE OF MAINE
SUPREME JUDICIAL COURT
CUMBERLAND COUNTY COURTHOUSE
205 NEWBURY STREET, ROOM 139
PORTLAND, MAINE 04101-4125**

January 13, 2020

The Honorable Troy D. Jackson

President of the Senate

3 State House Station

Augusta, Maine 04333-0003

The Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333-0002

Dear President Jackson and Speaker Gideon:

I am pleased to accept your invitation to address a Joint Session of the 129th Maine Legislature on Tuesday, January 28, 2020, at 11:00 a.m. I appreciate the courtesy of the Legislative Branch of government in inviting me to address the cause of justice in Maine.

I look forward to seeing you on January 28, 2020.

Sincerely,

S/Leigh I. Saufley

Chief Justice

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 291)

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

January 28, 2020

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bill out "Ought Not to Pass:"

Veterans and Legal Affairs

L.D. 1837

Resolve, Regarding Legislative Review of Chapter 1: Adult Use Marijuana, a Late-filed Major Substantive Rule of the Department of Administrative and Financial Services, Office of Marijuana Policy (EMERGENCY)

Sincerely,

S/Robert B. Hunt

Clerk of House

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 292)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
STATE COMPENSATION COMMISSION**

January 15, 2020

The Honorable Troy Jackson, President

Maine State Senate

The Honorable Sara Gideon, Speaker

Maine State House of Representatives
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:
Pursuant to 3 MRSA §2-B, sub section 2, the State Compensation Commission is pleased to submit its January 2020 report. Copies of the full report have been distributed to interested committees and individuals, and copies have been placed on file with the Law and Legislative Reference Library. Others may access the full report on-line through the website of the Office of Fiscal and Program Review at <http://legislature.maine.gov/doc/3822>.

Sincerely,
S/Hon. Vendean Vafiades
Chair

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

The Following Communication: (H.C. 293)

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

January 28, 2020
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:

Please be advised that pursuant to her authority, Governor Janet T. Mills has nominated the following:
on January 23, 2020

Kathie M. Leonard of Auburn and Peter DelGreco of North Yarmouth 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 State Senate's confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

on January 24, 2020

Robin L. Foster of Orrington, Amber Oakes of Old Town and Anna Perna of Holden to the School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

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

Corde L. Kinzie of Readfield, Thomas W. Minch of Portland, Jane F. Hecker-Cain of Kennebunk, Jennifer Gaulin of Winslow and Paula Matlins of Bangor to the School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

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

Jane Lincoln of Farmingdale to the Maine Turnpike Authority Board of Directors.

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

Kimberly N. Lindlof of Fairfield to the Maine State Workforce Investment Board.

Pursuant to Title 26 MRSA §2006, this appointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Labor and Housing.

Sincerely,
S/Sara Gideon
Speaker of the House

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

The Following Communication: (S.C. 838)

**MAINE SENATE
129th LEGISLATURE**

January 23, 2020
Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002
Dear Speaker Gideon:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 129th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Environment and Natural Resources, Steven K. Pelletier of Topsham for appointment to the Board of Environmental Protection.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Require the Board of Pesticides Control To Annually Publish Certain Information Regarding Pesticides and To Prohibit Certain Uses of Neonicotinoids"

(H.P. 1484) (L.D. 2083)

Sponsored by Representative GROHOSKI of Ellsworth.
Cosponsored by Senator MILLETT of Cumberland and Representatives: DOUDERA of Camden, HICKMAN of Winthrop, HUBBELL of Bar Harbor, MAXMIN of Nobleboro, McDONALD of Stonington, PEBWORTH of Blue Hill, ZEIGLER of Montville, Senator: GRATWICK of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act Prohibiting Certain Confinement of Egg-laying Hens and the Sale of Their Eggs"

(H.P. 1485) (L.D. 2084)

Sponsored by Representative O'NEIL of Saco.
Cosponsored by Senator LIBBY of Androscoggin and Representative: DUNPHY of Old Town, Senator: CARPENTER of Aroostook.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

Bill "An Act To Ensure Access to Sexual and Reproductive Health Care and Education in All Maine's Jails and State Correctional and Detention Facilities"

(H.P. 1486) (L.D. 2085)

Sponsored by Representative TALBOT ROSS of Portland. Cosponsored by Senator MOORE of Washington and Representatives: CARNEY of Cape Elizabeth, EVANGELOS of Friendship, HYMANSON of York, PERRY of Calais, Senators: CLAXTON of Androscoggin, DESCHAMBAULT of York, President JACKSON of Aroostook, MILLETT of Cumberland. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

Resolve, To Create a Criminal Records Review Committee

(H.P. 1487) (L.D. 2086)

Sponsored by Representative TALBOT ROSS of Portland. Cosponsored by Senator CLAXTON of Androscoggin and Representatives: CARNEY of Cape Elizabeth, EVANGELOS of Friendship, Senators: DESCHAMBAULT of York, President JACKSON of Aroostook. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

Sent for concurrence.

Bill "An Act Relating to Fair Chance in Employment"

(H.P. 1488) (L.D. 2087)

Sponsored by Representative TALBOT ROSS of Portland. Cosponsored by Senator CLAXTON of Androscoggin and Representatives: CARNEY of Cape Elizabeth, EVANGELOS of Friendship, Senators: DESCHAMBAULT of York, President JACKSON of Aroostook.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **LABOR AND HOUSING** suggested and ordered printed.

REFERRED to the Committee on **LABOR AND HOUSING** and ordered printed.

Sent for concurrence.

Bill "An Act To Update the Mileage Allowance Paid to State Employees Not Subject to a Collective Bargaining Agreement"

(H.P. 1475) (L.D. 2074)

Sponsored by Representative MARTIN of Sinclair. Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Department of Agriculture, Conservation and Forestry, Board of Pesticides Control

Representative HICKMAN for the **Department of Agriculture, Conservation and Forestry, Board of Pesticides Control** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control (EMERGENCY)

(H.P. 1483) (L.D. 2082)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Education

Representative KORNFIELD for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 115: Part II Requirements for Specific Certificates and Endorsements, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1476) (L.D. 2075)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Pursuant to Statute

Department of Education

Representative KORNFIELD for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 40: Rule for Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1477) (L.D. 2076)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Department of Education**

Representative KORNFIELD for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1478) (L.D. 2077)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Public Utilities Commission**

Representative BERRY for the **Public Utilities Commission** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 311: Portfolio Requirement, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

(H.P. 1482) (L.D. 2081)

Be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Maine Health Data Organization**

Representative HYMANSON for the **Maine Health Data Organization** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 1479) (L.D. 2078)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **REJECTED** and the Resolve **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Department of Health and Human Services**

Representative HYMANSON for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 104: Maine State Services Manual,

Section 8, Wholesale Prescription Drug Importation Program, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1481) (L.D. 2080)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **REJECTED** and the Resolve **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

At this point, the Senate came and a Joint Convention was formed.

The President of the Senate, the Honorable Troy D. Jackson in the Chair.

The Convention was called to order by the Chair.

On motion by the Senator of LIBBY of Androscoggin, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court and members of the Judiciary and inform them that the two branches of the Legislature are in Convention assembled, ready to receive such communications as pleases the Chief Justice.

The Order was **READ** and **PASSED**.

The Chair will appoint the following on the part of the Senate:

The Sen. from Aroostook, Sen. Carpenter

The Sen. from Kennebec, Sen. Bellows

The Sen. from Oxford, Sen. Keim

The Chair will appoint the following on the part of the House:

The Rep. from Saco, Rep. Bailey

The Rep. from Kennebunk, Rep. Babbidge

The Rep. from Bangor, Rep. Cardone

The Rep. from South Portland, Rep. Reckitt

The Rep. from Portland, Rep. Talbot Ross

The Rep. from Gardiner, Rep. Harnett

The Rep. from Hampden, Rep. Haggan

The Rep. from Madison, Rep. Curtis

The Rep. from Caribou, Rep. DeVeau

The Rep. from Friendship, Rep. Evangelos

Subsequently, Senator CARPENTER of Aroostook, for the Committee reported that the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, and the Honorable members of the Judiciary will attend forthwith.

The Chair welcomed to the Convention the Justices of the Maine Supreme Judicial Court: Associate Justice Donald Alexander, Associate Justice Andrew Mead, Associate Justice Joseph Jabar and Associate Justice Thomas Humphrey. The Chair also recognized Chief Justice Robert Mullen of the

Superior Court, Chief Judge Susan Sparaco of the District Court and Deputy Chief Judge Jed French of the District Court.

The Chair welcomed to the Convention the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, accompanied by the Governor of the State of Maine, the Honorable Janet T. Mills.

The Chair recognized in the House Gallery William E. Saufley, Esq., husband of Chief Justice Saufley; Chief Judge Eric Mehnert, Penobscot Nation Tribal Court; Judge Robert Washburn, President, Maine Probate Judges' Assembly; Ted Glessner, State Court Administrator; Amy Quinlan, Director of Court Communications; and Julie Finn, Legislative Analyst.

The Chair requested the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, to please step forward and address the Joint Convention.

Chief Justice **SAUFLEY**: Thank you. Please have a seat. Thank you so much. It is good to see you all again. I just told the Governor that it is not fair for me to be required to speak so soon after she has spoken with poetry and passion. You've heard me before, there will be no poetry this morning.

So, good morning, Governor Mills, President Jackson, Speaker Gideon, Members of the 129th Maine Legislature and guests. As I begin this morning, I remember the first thing Bill said to me after last year's presentation; what were you doing with your glasses? So, here's the problem; I've hit that point where nothing is at exactly the right spot so, either I wear all of the peepers or this year I decided on a whole new approach, which is simply a nice, comfortable, 72-point font. It does work so much better.

Thank you all so much for the honor of this invitation to address you today on the State of Maine's Judiciary. I know how busy you all are and I very much appreciate your willingness to take the time to hear from the Judicial Branch. And I'm going to talk to you; I'll tell you first what we'll talk about this morning. I'm going to address three key issues affecting the delivery of justice. First, in recognition of this historic year, I will review the substantial improvements in the delivery of justice that have been accomplished with your help in this century. Second, I will address the need for funding within the Judicial Branch in two urgent areas to help us continue that progress. And, finally, I will address the need for continued cross-branch collaboration and persistence in our responses to the addiction and mental health crises that are affecting youth and adults throughout the State of Maine.

So, I can hear you now; she's going to bore us, depress us and then ask for money. Not so. Let me just tell you this; despite all of these challenges, my message today is that there is, in fact, great progress afoot. And I hope to leave you with a firm conviction that working together we've accomplished much and the prospects for even greater improvement in Maine are great.

So, before I get to a historic review of where the Judicial Branch is, a couple of introductions that you've already heard. First, I will begin by sending a long-distance hello to my parents, Jan and Dick Ingalls, who are at home in Cumberland County watching through the miracles of your modern technology. So, now I get to do what I've always wanted to do; hi mom! And, in the gallery, you've already seen my handsome husband, Bill Saufley. I have to tell you, we've been

married 39 years this month, I've been thinking about that 40th anniversary that's coming up soon, and, you know, may think that 40th is silver, maybe rubies. Turns out, the 40th wedding anniversary is a pool table, which is something that I've always wanted. So, now you understand why people refer to him as the long-suffering Bill Saufley.

I want now to take this moment to introduce Maine's Supreme Judicial Court. Justice Gorman couldn't be with us today, there was a death in her family, and she sends her best, but I'm going to ask my colleagues to stand as I introduce them; Justice Donald G. Alexander, Justice Andrew Macdonald Mead, Justice Joseph Michael Jabar, did I get the middle name right? I got it right. And Justice Thomas, I never remember his middle name, Humphrey.

So, today, it's important for everyone to understand that Justice Alexander will retire from the Maine bench at the end of this week. On the day he retires, he will have served for 41 years, one month, and four days, or 15,010 days. He is the longest sitting active judge in the State of Maine, ever. And during his term on the bench, Justice Alexander was nominated and re-nominated by six different governors, including Governors Longley, Brennan, McKernan, King, Baldacci and LePage. He published innumerable books on the practice of law, he sat with the Law Court on 6,591 cases, and he continued to sit in the trial courts whenever he was needed. Justice Alexander has done more work in 41 years than most people could accomplish in a century and, in classic style, Justice Alexander will spend his last day on the bench, this Friday, doing exactly what he did on his first day on the bench; handling a criminal docket in Kennebec County. Please join me in celebrating this extraordinary career.

I'm in trouble. I've worked with Justice Alexander long enough to know the expression that he just gave me, so, you may need to look for me later in the week.

Let me also introduce Maine's Trial Court Chiefs; Superior Court Chief Justice Bob Mullen, District Court Chief Judge Susan Sparaco and Deputy Chief Judge Jed French. Now, I'm going to let them sit because I want to talk to you for just a minute about these extraordinary people. Chief Judge Sparaco will retire in just two months. She was first appointed to the District Court in February of 2008 and she's served as the Deputy Director and then Chief of the District Court, coming into those roles at very challenging times and she has done an extraordinary job with her direct and effective leadership style. It's been a boon to the Court and she will be missed.

And today, it is my honor and pleasure to announce that Judge Jed French has agreed to step in to the demanding role of Chief Judge as CJ Sparaco retires. So, let me tell you a little bit about the incoming Chief of the District Court. Judge French is a proud graduate of the University of Maine School of Law. During his 21 years in private practice, he served on many committees, he received numerous awards, he was elected to the Yarmouth Town Council, he served as the council's chair. Judge French served on active duty in the United States Army and later as an Air Force officer with the Air National Guard and Air Force Reserve. In support of the United States Mission to Strengthen the Rule of Law, he was deployed to Iraq and Afghanistan and was awarded the Bronze Star. He was instrumental in the creation of the first-ever Juvenile Court in Afghanistan. He obtained the rank of Brigadier General and he currently serves in the Air National Guard. But what Judge French really wants you to know about him, is that approximately 20 years ago, he appeared twice on the show "Who Wants to be a Millionaire." He also wants you

to know that he is not a millionaire. Please join me in thanking him for stepping up to this new job.

I also want to thank all of the people who serve the public in Maine's Judicial Branch who are not judicial officers. Approximately 450 state employees who cover the entire State, from the clerks who form the backbone of the courts to the marshals who keep the public safe, to the administrators on whom we rely for constant improvements. We could not provide access to justice in Maine without their commitment and dedication to public service. And, as always, a great deal of gratitude goes to Maine lawyers, who, in 2019, reported providing nearly 8,000 hours of free legal services throughout the State. Separately, those lawyers and some of the judges contributed more than \$600,000 to the Campaign for Justice, which distributes those dollars to the providers to help them serve more people in need of legal help with housing, domestic violence, child-related problems and medical legal issues.

And, today, I also want to take a minute to thank the members of the Maine Legislature and Executive Branches. No matter how difficult the challenges of governing become, I am always proud of the collegiality in Maine government. Legislators, Governors, and Judges, and all of the people who work in public service always find ways to work collaboratively to solve problems. Recently, at the recommendation of Governor Mills, we held a brief but energetic Tri-Branch Criminal Sentencing Workshop where the Governor, along with 24 members of the Maine Legislature including most of the members of the Criminal Justice and Judiciary Committees and several judges participated throughout a morning in hypothetical criminal sentencing exercises. Members of the prosecutors' offices and the defense bar played themselves quite brilliantly, presenting impassioned arguments in support of their positions in these hypothetical cases. The exercise helped all of us think in a much more detailed manner about the way that addictions, mental health, and gaps in the availability of community-based services make crime and punishment a challenge in the State of Maine. And I was struck once again by the alchemy of smart, caring people coming together to think about the best ways to serve the people of this great State. So, right now, I'm going to ask those of you who came to the Capital Judicial Center for this very energetic exercise to stand and accept our thanks for your time and creativity that day. Everybody? Yes?

We hope to do more of those inventive exercises. I was happy to escape the morning without having been sentenced to the Kennebec County Jail.

As I update you today on the State of the Judiciary, I am mindful that we're entering the year 2020, in which we will celebrate 100 years of women having the vote, 200 years of Maine's Constitution, and many hundreds of years in which strong, independent, and hardy people have lived, loved and worked. So, it seems appropriate to frame this presentation by reflecting on the planning and collaborative work that brought us where we are today.

Looking back to my presentation to the 121st Maine Legislature in February of 2003, that explains this, I am older than I ever think that I am, I had been Chief Justice in that year for just over a year. The world was changing fast. Beverly Daggett was serving as the first woman President of the Senate. Governor Baldacci had recently taken office only to find that the State's General Fund budget was facing a substantial shortfall. In the courts, we were beginning to sound the alarm regarding drug and alcohol addictions. I told you that in 2002, 161 people died from drug or alcohol overdoses and 85% of the people incarcerated in Maine reported using some

type of drug or alcohol in the commission of the crime. The lack of community treatment options for those suffering from mental illness was sending far too many people into our jails and prisons, domestic violence cases were growing each year, children's voices were not being effectively heard, and at the same time, the court's infrastructure was seriously challenged. Many of the State's venerable old Superior Court facilities were more than a century old and were falling apart around us. In many towns, the placement of the District Courts in smaller, separate buildings, detached from the Superior Courts, was straining staffing, confusing the public and adding unnecessary duplication of costs. Budget-necessitated vacancies made it hard just to keep the doors open, there was no entry screening in any courthouse in the State or in the State House. No business court existed, victims in criminal cases often waited months for the transfers between the courts, and it regularly took several years to resolve relatively straightforward disputes.

In that presentation to the 121st Maine Legislature, recognizing the budget restrictions and the concurrent need for improvements in so many areas, I referred to the old adage, when all is said and done, there is often much more said than done. And I promised you that working together with planning and persistence the three independent but collaborative branches of Maine government would get things done. You helped me keep that promise. Here's where we are eight Maine Legislatures later: Most aspects of the Judicial Branch infrastructure are on solid footing. Forty-five separate court facilities have now been consolidated into 35, clerks' offices for the Superior and District Courts have been consolidated in most courts, reducing public confusion, allowing efficiencies, cross-training and substantially improved public service. From Houlton, Machias, and Dover-Foxcroft to Bangor, Belfast and Augusta, courthouse improvement projects have benefitted the public. Last week, the newly-renovated Oxford County Courthouse in South Paris opened for business, improving accessibility, consolidating the Clerks' Offices, opening two new courtrooms, and providing the public with much more respectful space for dispute resolution. A second phase of construction in that courthouse will renovate the beautiful old jury courtroom to be ADA compliant, with updated technology, and a bonus; a ceiling that doesn't fall on the litigants. We don't want to talk about how often that happened over the last 10 years.

Two years from this fall, the brand-new Justice Center of York County will open for business and we are designing it to be the first net-zero energy courthouse in the State.

Regarding courthouse safety, entry screening equipment exists in every courthouse and staffing for entry screening is present on approximately 65% of the State's court days. The court's transition to the digital world is underway. The Violations Bureau, which processes about 75,000 traffic tickets a year, was converted from an unwieldy paper system to a more efficient online system last year. And approximately a year from now, the other case types; criminal, civil and family, will go digital in Penobscot and Piscataquis Counties. When that system goes live, parties in all proceedings and their lawyers, when they have them, will have no-cost access to their digital files from anywhere that has an internet connection. So, Governor, the broadband expansion will be a big help.

To prepare for that launch, an enormous amount of work has gone into the creation of rules that will determine when and how the public-at-large obtains access to digital court records. We'll be holding another public hearing on those rules

in the upcoming months. One of the most promising aspects of the new system is the potential incorporation of a text notification system that will remind people of their upcoming court dates in criminal matters. Our doctors do it, our dentists do it, the librarians tell us our books haven't come back on time; it's time for the courts to help people remember to get to court. If that project is funded, we would expect to see a substantial reduction in the number of bench warrants and arrests that occur when people fail to appear in court. That system would improve public service. At the same time, it would reduce the strain on county jails. And all of that can be done at a very modest cost. We hope you will support it.

At the same time that these improvements have been occurring, case processing has improved substantially. On average, the business docket takes less than a year to resolve complex cases that often took three to four years. Criminal charges, with the exception of homicides, are now resolved on average in six to seven months after filing. The resources of the Court's Alternative Dispute Resolution Services helped people in more than 4,300 cases last year in family, small claims, and housing matters. And interpreters are available through the language line, through certified in-person interpretation, and, in some cases, even through video interpreting.

Family matters, and particularly cases involving children, are also receiving improved attention throughout the system. We recently instituted a new one-judge/one-family process that will help families who are struggling with their own turmoil to find consistency and continuity in the courts. And, separately, the dramatic increase in child protection filings has created a great need for more guardians ad litem to provide the children's voice in court. The Judicial Branch has partnered with the University of Maine School of Law to create a class that will allow well-trained new lawyers to incorporate guardian ad litem work into their practices immediately upon graduation and licensing. And we are also very fortunate in Maine that so many people have stepped up and volunteered to help children. Court-Appointed Special Advocate volunteers, CASAs, gave a voice to 279 children caught up in the child protection proceedings in fiscal year 2019. Those volunteers who helped children during some of their most heartbreaking and disruptive times of their lives also saved the taxpayers more than \$566,000 just last year. If you, or someone you know, would like to consider being a CASA volunteer, the Judicial Branch website can connect you.

All of these improvements have been rolled out carefully and always with a close eye on the budget. Even with debt service remaining in the Judicial Branch budget, the Judicial Branch consumed just 2.2% of the General Fund last year. Reflecting on all of the improvements that have been accomplished in the 21st century, you can be very proud of the way that you and the Governors have responded to Maine peoples' need for justice.

So, now I move to the next issue, which is funding needs. Last year, I asked you focus available funding not on the Judicial Branch but on community-based services for adults and youths struggling with mental health challenges and addictions. In this second regular session, I make a similar request; please continue your focus on community-based resources. But within the Judicial Branch, there are two areas of funding that can no longer be put off. First, it's time to complete 100% staffing for entry screening in every courthouse. Recently, it was reported that the marshals at an entry screening station discovered an individual carrying two undisclosed loaded handguns, a .380 Colt semi-automatic in a

cocked position, ready to fire six rounds, along with six additional rounds, and a loaded .357 Smith & Wesson revolver holding five rounds with two additional five-round speed loaders. Because of the presence and quick action of the marshals at the entry screening station, the individual was disarmed, no one was hurt. I ask you to think about that allegation just for a moment. If an individual carrying similar weapons had gone into one of the 35% of Maine's courthouses that didn't have entry screening that day, we could be having a very different conversation this morning. We estimate that 19 more marshal positions will be needed to achieve 100% entry screening and that the total staffing costs, which have been reduced by the consolidation of separate courthouses, will be just over \$1.5 million. It's time to finish the work that we started.

My second request for funding relates to the recommendation of the State's Compensation Commission. I ask you to increase the pay of Maine's trial judges. We're very fortunate in Maine to have a nonpartisan, merit-based selection system. Maine Governors have, with very few exceptions, maintained that nonpartisan system of judicial selection, nominating judges on the basis of their skills and humanity, and the Legislature has carefully vetted those candidates. When people come to court in Maine, they expect and receive fair, impartial and patient attention from Maine judges. Those judges have to make some of the most difficult decisions that any professional is called upon to make and they do so day after day in more than 100,000 new cases every year, mindful of the need for prompt resolution and fair treatment of all involved.

For examples of the amazing people that have served as trial judges in Maine, you need go no further than the two trial judges who just retired on December 31st. Justice Roland Cole and Justice Nancy Mills served between them more than 66 years on the bench. Justice Cole helped launch the very first Drug Court in Maine. Justice Mills created the first Veterans Court as well as the Co-Occurring Disorders Court. They've both served as Chief of the Superior Court at some point and they served as a role model throughout the system. Just recently, Justice Mills established the Languishing Docket. It's a lovely name; people asked her to change the name and she declined to do so, and I think it speaks volumes about what's happening. That docket assures that people struggling with mental illness do not spend weeks and months in our jails waiting for the next proceeding. All of those efforts have changed lives and they've saved lives. It takes judges with courage and persistence to undertake these efforts and their work is reflective of the work done throughout the State. And yet Maine's trial judges are compensated for their work at the lowest rate in the country and far lower than their colleagues in New England.

Now, I'm not going to tell you that Maine judges will work harder if you compensate them more fairly. They already work as hard as anyone I know. But by making that compensation more commensurate with their colleagues in every other state, you will acknowledge the importance and value of that excellent work. Even more important, your decision will tell the public that you recognize the value to this democracy of an independent system of justice. I ask you to find the funding to address this long-term deficit in judicial compensation.

And, now, I am going to step out of my lane, as the current phrase goes, but I love this State and I know how much you want my advice on something that's none of my business. So, I will ask you to watch the Governor's expression for this next piece. Here it is. Please effectuate the Compensation

Commission's recommendation to raise the salaries of legislators and the Maine Governor. The incredible commitment to public service required of people in Maine's government should be recognized and the value of the willingness to take on these critically important jobs should be reflected in the compensation. Maine legislators work year-round, not just during the session, to find solutions to Maine's greatest problems. That work should be recognized. I fully understand that raising the salaries of the jobs in which you currently sit feels odd, but please do this for the legislators to come. And, regarding the Governor's salary; how's she doing? There we go, there we go. So, let me just say this; I want to suggest a slightly different scenario than the Governor recently predicted for 20 years from now. Yes, John Martin will be back in the Senate, I feel confident about that, and, yes, Sawin Millet will probably be running DAFS again, but the Governor of this great State, whoever she is, will be paid in bitcoin and she will be making more than \$70,000 a year. Please make that happen.

I turn now to my final topic; addressing the sadness and despair that drug and alcohol addiction and mental health crisis has created in the State of Maine. Just a year ago at this time, we all stood here and we pledged to expand the network of resources available to help people divert from a life of despair, crime and incarceration. During the intervening year, government responded. The Governor appointed Gordon Smith as the new Director of Opioid Response and created the Governor's Prevention and Recovery Cabinet. Many legislators served in bipartisan efforts throughout the year on multiple committees, task forces, work groups, Blue Ribbon commissions, whatever you call them, there were groups gathering all the time to address the issue that we need to improve our criminal justice system, the juvenile justice system, and the State's overarching response to the addiction epidemic. And the Judicial Branch participated in the groups that were searching for improved process and resources and led the Pretrial Justice Reform Task Force. We were joined by people from all walks of life to find solutions; people in recovery, treatment providers, advocates, and grieving family members joined these groups. The groups met constantly throughout the year to brainstorm new ideas, find funding sources, and, most important, move quickly. As the groups have reported back, their message has been loud and clear. We must immediately move forward from all three directions. Prevention, including family support, early childhood education and engaged youth. Interdiction, including efforts to prevent and deter the sale of poison in Maine and help now; immediate, meaningful, just-in-time resources for addiction recovery.

With so much work underway, it was, admittedly, disheartening for all of us to learn recently that the number of overdose deaths appears to have increased in 2019, the AG's office reports 21 homicides in 2019, up from 2018, half of the children removed from their parents' care in 2019 were removed at least in part because of allegations of substance abuse, 20% of the children entering state custody were infants and babies who were alleged to have been drug-affected or substance exposed at birth. And recently five overdose deaths rocked the city of Portland in just 11 days.

However, we must not lose faith. There is so much progress that has recently been accomplished and there are, in fact, glimmers of hope throughout the system. So, let me tell you a little bit of good news. First and foremost, the number of drug-affected and substance exposed babies has continued its downward trend, from an all-time high of 1,024 in 2016 to 858

last year. Over 300 recovery coaches have been recruited and trained, \$2 million in federal assistance will, among other things, support recovery residences that are certified by the National Alliance of Recovery Residences and that will accept residents who have been prescribed medically-assisted treatment. There are now 10 recovery community centers in Maine, with more opening in Millinocket and Lincoln in the upcoming months. Medically-assisted treatment is available in more hospitals and in a growing number of jails, which will allow treatment and better transition back into the communities. And as you heard from the Governor last week, a new cross-branch effort led by Gordon Smith will help us review every overdose death to learn from those tragedies and continue to make improvements in our responses. Additional resources are newly available to help the Drug Courts. Through a new grant, the Judicial Branch will be able to expand several more Adult Drug Treatment Courts to include Veterans Tracks. This spring, Justice for Vets, a division of the National Association of Drug Court Professionals, will be providing Veterans Treatment Court Implementation Training for all six adult drug courts. DHHS has allocated nearly \$1,000,000 for additional Drug Treatment Courts including, and this I think is critical, funding for a thorough evaluation of Adult Drug Treatment Courts which is long overdue. We need to know if the money we are spending is actually helping people. The number of pending referrals to the Drug Courts increased 97% last year, which is a clear indicator of the need for the courts. The Drug Court saw an increase of 30 participants, or an 11% enrollment increase, with a corresponding 7.6 increase in the numbers graduating and 12.2 decrease in the number of people terminated from the program. That is a lot of numbers, so, let me just say this; when the pop quiz comes, here's what you need to know. In the Drug Courts, participation is up, graduation is up, and the number of people being terminated from those programs is down. All of that is progress. And in the Family Recovery Courts, for those cases involving an open child protection matter, there was a 23% increase in the families involved and a 136% increase in the referrals. I could go on, do you want to take a vote on that? I will not, but I want you to understand what is clear is that there is so much happening, we cannot lose hope.

There is, however, one basic need that I would ask you all to keep your eye on. People in recovery need housing. While it is challenging to plan for and fund bricks and mortar, we should all understand that without the fundamentals, housing and food, recovery is simply impossible. I heard this recently and I keep saying it as we're talking about the use of resources; no roof, no recovery. A continuum of housing types is desperately needed and I hope you will support those desperately-needed resources with new funding.

Briefly, now, I turn to a topic that's near and dear to my heart; resources for Maine's youth. Similar to the housing needs for adults, Maine must create a continuum of community-based residential and home-like facilities for our youth. It's the only way that we will be able to continue to move forward. I know that we can do this. We have accomplished so much already. In the decade that followed the Juvenile Justice Task Force Report in 2010, significant improvements have been achieved including a dramatic 68% reduction in the annual number of youth committed to Long Creek and a similar 56% reduction in the annual number of detained youth.

Now, I don't want to get ahead of the Juvenile Justice System Assessment and Reinvestment Task Force that will report to you and the Governor shortly, but I have received

Representative Brennan's authorization to provide you with an advanced look at this one stark statistic. The assessment will report that, in the sample studied, half of the youth detained at Long Creek were there not to protect others from harm or harassment, not to ensure the juvenile's presence in court. Instead, it will be reported that in that sample, half of the individual adolescents that were detained at Long Creek were there to provide care or prevent harm to that youth. That presents this question; are we incarcerating our youth because we have nothing else for them? It's time to take the next step to create the community-based options that we all know are needed. So, moving forward, for adults and youth, we admittedly still have a lot to do but we are beginning to see the results of all of this focused effort and we can't allow ourselves to be discouraged.

One final thought on this topic. Maine incarcerates fewer of its people, adults and youth, than almost any other state in the nation. And Maine is one of the safest places to live. We must not take that for granted. As we make the changes that we believe will bring improvements in criminal justice and juvenile justice, we must first do no harm and we must assure meaningful racial equity in our laws, in our procedures and in our actions. We must work to assure that people in our LGBTQ community feel safe and we must provide critical resources to support our youth. If we do all of this thoughtfully and collaboratively, we will see the improvements we all hope for and we will welcome and benefit increasing health and diversity in all of our communities.

So, in conclusion, sigh of relief, we ask you to find the funding to make Maine's courthouses safe and to compensate trial judges who provide independent, fair and accessible justice. We invite you to visit a courthouse near you. We also have two slots open for the Law Court this fall to bring appellate argument to a high school near you. Talk to Julie Finn if you are interested in that. And, as I have done for the last couple of years, I'm going to take the personal privilege of reminding you, as I do to so many people that I am annoying, to get your annual checkups and complete the tests that the doctors tell you to get. Ladies, get those mammograms scheduled. Gentlemen, get your PSAs. And, apparently, all of us over 50, get that test that none of us wants to talk about. I'm here today because they caught my cancer early. Just do it. Many thanks to all of you for caring about this amazing State. Thank you very much.

The Chief Justice withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its Chamber amid the applause of the House, the audience rising.

(After the Joint Convention)

The House was called to order by the Speaker.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Joel David Davis, of Hallowell. Mr. Davis worked for the Office of Energy Resources within the Governor's executive office before becoming a well-respected financial planner known for encouraging his clients to be generously philanthropic, working for American Express, later Ameriprise and founding Cribstone Capital Management in 2012. Ameriprise recognized him as the leading financial advisor in Maine for many decades; he was a member of their elite Diamond Ring Club, an honor accorded fewer than 600 financial planners nationwide in the history of the enterprise. He served on the Hallowell City Council and the Hallowell TIF Policy Committee, was on the Advisory Council for Maine Initiatives and served as president of Temple Beth El in Augusta. The son of Holocaust survivors initially denied visas to the United States, Mr. Davis was known for his work with immigrant communities in central Maine, as he was heavily involved in the Capital Area New Mainers project. He hired immigrants and refugees to work at his business, Central Maine Meats, and worked to sell halal meats to the area's growing Muslim population. Mr. Davis's acts of personal kindness and solicitude were well-known, and he will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

(SLS 985)

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

READ.

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

Representative **HICKMAN:** Thank you, Madam Speaker. Life is funny, Madam Speaker, Women and Men of the House. In December of 2010, shortly after I lost my first election, I was catering an event for a Hallowell business, it was a holiday party at a beautiful Hallowell mansion. And I don't even remember what was on the menu, but I do remember that after dinner was served, a man with white hair came up to me and he said, I don't know what's going to happen in your political future, if you ever have one, but you will have a future in food. So, he got me at hello. And over the next five or six years, he brought lots of his clients to my farm where he hosted several private dinners and he always wanted me to be as creative as I possibly could for the people he brought to our table. I won't recite some of the creative menu items, but I never ceased to get a criticism from him on the food that we prepared. And so, he was a good man, he was definitely a philanthropist. He worked very hard to ensure, as you can read from his brief biography here, that people who were new to this country or fleeing asylum, refugees and asylum seekers were met with a welcome. Because he knew that his parents were denied visas during the Holocaust and it seems almost serendipitous that today this comes up on the calendar as we are also honoring Auschwitz.

I didn't know he passed until this morning when I saw this in our calendar. So, I had to go back to look to see when that had happened, and it turned out that it was on our 21st wedding anniversary, last August. And so, there's a circle complete. I will miss him, I feel for his wife, Sarah Shed and all the people he touched. Joe Davis was a true mensch and I will miss him greatly. Thank you, Madam Speaker.

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

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

REPORTS OF COMMITTEE
Refer to the Committee on Judiciary
Pursuant to Joint Rule

Representative BAILEY for the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement the Recommendations of the Family Law Advisory Commission Concerning Adoption and Minor Guardianship" (H.P. 1480) (L.D. 2079)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to Joint Rule 353.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.
Sent for concurrence.

CONSENT CALENDAR
First Day

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

(H.P. 1430) (L.D. 2009) Bill "An Act To Permit the Expansion of Municipal Membership of the Greater Portland Transit District" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 299) (L.D. 390) Bill "An Act To Amend the Laws Governing Dangerous Buildings" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-662)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

ORDERS

On motion of Representative JAVNER of Chester, the following Joint Order: (H.P. 1489)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services may report out, to the House, a bill requiring the Department of Health and Human Services to amend its nursing facility licensing rules to enhance cost of care collection.

READ and **PASSED**.

Sent for concurrence.

REPORTS OF COMMITTEE
Refer to the Committee on Veterans and Legal Affairs
Pursuant to Resolve

Report of the **Joint Standing Committee on Veterans and Legal Affairs** on Bill "An Act To Clarify the Laws Governing Financial Relationships between Entities within the Three-tier System for Distribution of Alcohol" (S.P. 737) (L.D. 2088)

Reporting that it be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** pursuant to Resolve 2019, chapter 15, section 3.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

Refer to the Committee on Veterans and Legal Affairs
Pursuant to Resolve

Report of the **Joint Standing Committee on Veterans and Legal Affairs** on Bill "An Act To Clarify Certificate of Approval Requirements under the State's Liquor Laws" (S.P. 738) (L.D. 2089)

Reporting that it be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** pursuant to Resolve 2019, chapter 15, section 3.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 294)

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

January 28, 2020

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 Matthew W. Moonen of Portland to serve as Speaker Pro Tem to convene the House on Tuesday, January 28, 2020.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

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

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker. I request unanimous consent to speak on the record.

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

Representative **FECTEAU**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. As we heard earlier, yesterday, January 27th, was International Holocaust Remembrance Day. 2020 marks the 75th year since Soviet liberation of the Auschwitz-Birkenau Konzentrationslager. Auschwitz, as many of you know, was the epicenter of the

national socialists' final solution, where Hitler and his crooked henchmen sought to end what they called the Jewish problem. Nearly one out of every six Jews died at Auschwitz. Among the persecuted were modern artists, Romas, political opponents, homosexuals and the physically and mentally disabled. The magnitude of death at Auschwitz would be the equivalent of nearly 80% of all Mainers. That's a chilling number.

Another unsettling number is that the world's cruelest human event happened only a short 75 years ago. Our parents and grandparents faced this evil with distinction on the European front. That means this new generation, some who can't even identify who Anne Frank is, let alone Tadeusz Wiejowski, has officially become distantly removed from the evils of the Holocaust. Everyone in this body deeply understands the evils brought upon Jews, Romas, homosexuals by the Nazis, but others do not. In a recent poll of 11,000 Americans, 45% did know that 6,000,000 Jews were killed by the Nazis during World War II. Many of those surveys couldn't even pinpoint the time period of the Holocaust. This is alarming.

What I'm trying to portray is that the most important lessons are not passed down in our genetic code; they must be taught. We must teach our children and grandchildren about the Holocaust. We must demand that history's most brutal event be given more time than a few pictures and pages lost in a history book. This isn't how we ensure we protect future generations from a similar event. I stand ready to shout down antisemitism, the persecution of minority peoples and religious groups, the imprisonment and killing of homosexuals and the removal and marginalization of the disabled. Let us fight for educational equity so these lessons are never forgotten, because many districts are not like mine, which boast the wonderful Holocaust and Human Rights Center right in my backyard.

May God bless each and every victim of the Holocaust on this important 75th liberation anniversary. Thank you.

On motion of Representative FAY of Raymond, the House adjourned at 12:04 p.m., until 10:00 a.m., Thursday, January 30, 2020, in honor and lasting tribute to Geraldine LaChance of Casco and Ruth Gray of Old Town.