

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE  
SECOND REGULAR SESSION  
14th Legislative Day  
Tuesday, February 20, 2018

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

Prayer by Reverend John Johnston, New Hope Baptist Church, Dexter.

Colors presented by the Maine State Select Honor Guard.  
National Anthem by Cara Kinney, Limington.  
Pledge of Allegiance.

At this point, a message came from the Senate borne by Senator MASON 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 Major General Douglas A. Farnham, Commissioner of the Department of Defense, Veterans and Emergency Management, and The Adjutant General of the Maine National Guard, an invitation to attend the Joint Convention and to make such communication as pleases him.

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 HERBIG of Belfast to convey this message to the Senate.

Doctor of the day, Sam Zager, M.D., Portland.  
The Journal of Thursday, February 15, 2018 was read and approved.

**SENATE PAPERS**

Bill "An Act To Amend the Laws Governing Indecent Conduct To Include Distribution of Photographic Images"

(S.P. 690) (L.D. 1838)

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

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

**COMMUNICATIONS**

The Following Communication: (H.C. 443)

**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**  
**COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

February 13, 2018  
Honorable Sara Gideon  
Speaker of the House  
Honorable Michael D. Thibodeau  
President of the Senate  
128th Legislature  
State House  
Augusta, Maine 04333

Dear Speaker Gideon and President Thibodeau:  
Please accept this letter as the report of the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from its review and evaluation of the Baxter State

Park Authority under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.  
The committee finds that the Baxter State Park Authority is operating within its statutory authority.

Sincerely  
S/Senator Paul T. Davis, Sr.  
Senate Chair  
S/Representative Michelle Dunphy  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 444)

**DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT**  
**33 STATE HOUSE STATION**  
**CAMP KEYES, AUGUSTA, MAINE 04333-0033**

January 12, 2018  
Honorable Sara Gideon  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Gideon:

As the Commissioner of the Department of Defense, Veterans and Emergency Management and the Adjutant General of the Maine National Guard, I accept your invitation to address the Joint Session of the 128th Maine Legislature on Tuesday, February 20, 2018 at 11:00 a.m.

Sincerely,  
S/Major General Douglas A. Farnham  
Commissioner and Adjutant General

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 445)

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

February 20, 2018  
Honorable Sara Gideon  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Gideon:

Pursuant to Joint Rule 310, the Committee on Energy, Utilities and Technology has approved the request by the sponsor, Representative Warren of Hallowell, to report the following "Leave to Withdraw":

L.D. 1785      An Act To Amend the Greater Augusta Utility District Charter

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

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

The Following Communication: (S.C. 852)

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

February 15, 2018  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Judiciary on Resolve, Directing the Secretary of State To Study the Revised Uniform Law on Notarial Acts (H.P. 1171) (L.D. 1691), in non-concurrence.

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

**READ and ORDERED PLACED ON FILE.**

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

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

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

**ORDERS**

On motion of Representative BEAR of the Houlton Band of Maliseet Indians, the following House Order: (H.O. 58)

WHEREAS, it appears to the House of Representatives of the 128th Legislature that the following is an important question of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3 provides for the Justices of the Supreme Judicial Court to render their opinion on such a question; and

WHEREAS, there is now before the 128th Legislature for its consideration House Paper 838, Legislative Document 1201, "An Act To Authorize Tribal Gaming"; and

WHEREAS, Legislative Document 1201 authorizes the Department of Public Safety, Gambling Control Board to accept applications for a casino operator license from federally recognized Indian tribes in this State. A license issued to a federally recognized Indian tribe would authorize operation of table games and slot machines at multiple facilities on land owned by the tribe; and

WHEREAS, the State authorizes and regulates casinos, including the operation of table games and slot machines, pursuant to the Maine Revised Statutes, Title 8, chapter 31; authorizes and regulates betting on harness racing pursuant to Title 8, chapter 11; and authorizes and regulates a state lottery pursuant to Title 8, chapter 14-A; and

WHEREAS, the revenue provided to the federally recognized Indian tribes in this State by Legislative Document 1201 will encourage and support tribal self-sufficiency, self-determination and economic development and will be used by the tribes for critical tribal government social and economic programs vital to the well-being of tribal members including

promoting economic development, reducing chronically high rates of unemployment and providing services such as health care, elder care, housing and education; and

WHEREAS, the Supreme Court of the United States decided in California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987) that state and local governments do not have the authority to regulate gambling on Indian land; and

WHEREAS, it is important that the Legislature be informed as to the question raised in this order; now, therefore, be it

ORDERED, that, in accordance with the provisions of the Constitution of Maine, the House of Representatives respectfully requests the Justices of the Supreme Judicial Court to give the House of Representatives their opinion on the following question of law:

Question. Does the decision of the Supreme Court of the United States in California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987) allow federally recognized Indian tribes in this State to conduct gambling on Indian land without permission to do so from the State?

**READ.**

On motion of Representative BEAR of the Houlton Band of Maliseet Indians, **TABLED** one Legislative day pending **PASSAGE** pursuant to House Rule 513 and later today assigned.

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Donna Allen, of Rockland, who recently retired after many years of service with the Knox County Emergency Management Agency. Ms. Allen began work with the agency on January 11, 1999 after working at Mid Coast Mental Health Center. We extend to Ms. Allen our congratulations on her retirement and offer her our best wishes;

(HLS 903)

Presented by Representative BEEBE-CENTER of Rockland. Cosponsored by Senator MIRAMANT of Knox.

On **OBJECTION** of Representative BEEBE-CENTER of Rockland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Rockland, Representative Beebe-Center.

Representative **BEEBE-CENTER**: Madam Speaker, Ladies and Gentlemen of the House, Donna Allen retires from the Knox County Emergency Management after serving the agency and people since January 11, 1999. During her tenure, she has been in the frontlines of many dramatic changes to this program, perhaps the most significant those brought about by the terrorist attacks in New York City; Washington, D.C.; and Shanksville, Pennsylvania, on September 11, 2001. Those events changed emergency management forever, influencing public policy, national security, and funding for Homeland Security. Like the 9/11 events changed national security and prevention policy, Hurricanes Katrina, Ike, and later superstorm Sandy drove significant change in preparedness for and management of national -- natural disasters. These events pulled emergency management as a profession out of formerly obscure Cold War era underground basement offices and into the light of everyday lives.

Donna contributed much to the program during these years of drastic and rapid change. She helped apply for and manage preparedness grant programs with total awards in the millions

of dollars. She assisted in management of highly successful local-level, municipal-level emergency management performance grant programs, which over the five years of their existence funded the majority of Knox County towns. Her service here was pivotal in Knox towns, receiving nearly half of all local-level municipal awards made statewide.

Donna has been an effervescent representative of both the Emergency Management Program and of Knox County. She is a committed resident who is proud to look out for others by helping whenever and however she can. In her retirement, she will continue this service as the volunteer team leader for the Knox County Animal Response Team, or Knox CART. We wish Donna well and thank her for all of her service.

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

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**Recognizing:**

Donna Dennison, of Rockland, who will retire this December from her position as Knox County Sheriff. She will have served in office for 12 years, after working as a corrections officer, dispatcher, part-time deputy, sergeant and detective. Sheriff Dennison was the first woman ever elected sheriff in the State and is the only to hold office as a sheriff. We extend to Sheriff Dennison our appreciation for her service and offer her our best wishes;

(HLS 904)

Presented by Representative CASÁS of Rockport.

Cosponsored by Senator MIRAMANT of Knox, Representative BEEBE-CENTER of Rockland.

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

**READ.**

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

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**In Memory of:**

Bernard Wilbur Kinney, of Milo. Mr. Kinney was a World War II veteran serving in the United States Army Air Corps. He had a distinguished career as an environmental testing engineer and participated in the early development of satellites. Mr. Kinney will be long remembered and sadly missed by his family and friends;

(HLS 908)

Presented by Representative HIGGINS of Dover-Foxcroft.

Cosponsored by Senator DAVIS of Piscataquis.

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

**READ.**

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

Representative **HIGGINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Three years ago, I had the honor of standing here with Bernard Kinney, standing up here and being recognized for his distinguished life achievements, but in particular, one of those last members of -- that served in World War II. And I said at the time, and I'd repeat it here again today, when I met with him in talking about his life, I asked him why, as a very young man, that he joined the military in World War II. I think his answer typifies that generation when he said, "Well, it seemed like the right thing to do." Just the right thing to do. So, today, I stand here proudly in memory of Bernie Kinney. His son, Jonathan, is, I think,

going to have the opportunity to make a few comments about his dad as well, so, thank you, Madam Speaker, Ladies and Gentlemen of the House.

The **SPEAKER**: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I would like to thank the good Representative from Dover-Foxcroft, Norman Higgins, for introducing this sentiment. My father was born and raised in Atkinson, Maine. He attended first through eighth grade in a single one-room school. For high school, he attended Foxcroft Academy in Dover, and was active in the alumni throughout his entire life. In January of 1944, he enlisted in the Army Air Corps and he served until he was honorably discharged in July of 1946. In 1947, he moved to Augusta, attended vocational school, and upon graduation, was hired by Sears and Roebuck as an appliance repairman. Sears and Roebuck had a whole storeroom full of broken appliances, and he thought he'd just found his dream job. He quickly repaired everything in the storeroom, and shortly thereafter, was out of work due to lack of work. My father then attended college, both here at the University of Maine, and New Mexico State College. His first employment after graduation was White Sands Proving Grounds in New Mexico. From there, my father worked all over this country, including Canada. Throughout his life, quality time in Piscataquis County was a priority. His friends and relatives throughout the State of Maine will miss him. Thank you, Madam Speaker.

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

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

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**In Convention**

The President Pro Tem of the Senate, the Honorable Thomas B. Saviello in the Chair.

The Convention was called to order by the Chair.

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On motion by Senator MASON from Androscoggin, it was

**ORDERED**, that a Committee be appointed to wait upon Major General Douglas A. Farnham, Adjutant General of the Maine National Guard and Commissioner for the Department of Defense, Veterans and Emergency Management, to inform him that the two branches of the Legislature are in Convention assembled, ready to receive such communications as please him.

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

The Chair appointed the following:

The Senator from Androscoggin, Senator Mason

The Senator from York, Senator Collins

The Senator from Aroostook, Senator Carpenter

The Representative from Waterville, Representative Longstaff

The Representative from Bangor, Representative Schneck

The Representative from Cape Elizabeth, Representative Monaghan

The Representative from Winthrop, Representative Hickman

The Representative from Norridgewock, Representative Farrin

The Representative from Oxford, Representative Dillingham

The Representative from Lincoln, Representative Hanington

The Representative from Washburn, Representative White

The Representative from Rockport, Representative Casás

Subsequently, Senator MASON from Androscoggin, for the Committee, reported that the Adjutant General of the Maine National Guard would attend forthwith.

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The Chair welcomed to the Convention Major General Douglas A. Farnham, Adjutant General of the Maine National Guard, accompanied by Governor Paul R. LePage.

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The Chair recognized in the House Gallery former Senator and the Commissioner's wife, Nichi Farnham. The Chair also recognized in the House Gallery the members of the Army and Air National Guard, and the Department of Defense, Veterans and Emergency Management.

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The Chair recognized all members of the Legislature and staff who were veterans and those currently serving in the military for their service.

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The Chair requested the Adjutant General of the Maine National Guard, Major General Douglas A. Farnham, to please step forward and address the Joint Convention.

Adjutant General **FARNHAM**: Thank you. Senator Saviello and President Thibodeau, Speaker Gideon, Members of the 128th, I guess my guest, Governor LePage, and distinguished guests, thank you for this invitation. Once again, it is an honor to address this assembled Joint Session. I know the reason I'm given this opportunity is due to the respect you have for the commitment and sense of duty of my fellow Airmen, Soldiers, and Department civilians. I am honored to have this opportunity to highlight their accomplishments.

So, when I found out that the Governor was going to be here, I had to change all my Governor jokes to Navy jokes. But I did learn something last week watching the State of the State, and so if you see my hand go out to the side, it means that I'm about to go off script, and neither my staff nor Nichi are responsible for what I'm about to say.

Today, I will discuss the Bureau of Veterans' Services, the Maine Emergency Management Agency, and the Maine Military Authority, along with the Maine National Guard. By now, most of you have worked with Adria Horn, the director of the Bureau of Veterans' Services. You know her story as a combat veteran, serving both as an active duty soldier and now a reservist. She understands the issues, passionately advocates for our veterans, and leads a team of equally passionate state employees, doing great work. Last year, they assisted thousands of veterans with their claims to the VA, obtaining disability benefits totaling over \$32 million. That's an increase from the \$25 million a year before. And that 30% increase is a direct result of the increases in resources that the Governor and the Legislature have provided the Bureau, and an increased emphasis on outreach.

I am always impressed by the commitment of the veterans - the commitment to veterans that I see all across our state. This includes countless individuals, nonprofits, the Governor and First Lady, the Veterans and Legal Affairs Committee, and this Legislature. You know, just look at Maine Department of Labor and their Hire a Vet program, or the University of Maine Augusta and the Vietnam Graffiti Project, and the unique activities that are at Knox Museum. That's just a few of the examples. One of the most important things that BVS does is focus and coordinate these efforts. Let me just share a few

more examples. The Maine Bureau of Veterans' Services has focused on reducing the number of homeless veterans across our state. The Maine Homeless Veterans Action Committee, comprised of the VA Homeless Team, Preble Street, Easter Seals, Veterans Inc., Volunteers of America, MaineHousing, and the Maine Bureau of Veterans' Services, has committed to find appropriate and efficient housing placements that ensure veteran homelessness is rare, brief, and nonrecurring. The collaboration of these organizations has reduced the average number of days it takes to house a homeless veteran from 238 to 120. In 2018, the Committee would like to see that number reduced to 90 days. It can and will be done. By identifying permanent housing plans and attaining funding for the 10% of homeless veterans who do not qualify for VA benefits, the Maine Homeless Veteran Action Committee is working toward a goal of eradicating veteran homelessness.

For the past six years, the Bureau of Veterans' Services and the Department of Inland Fisheries and Wildlife have worked together with Dave and Keri Hentosh of Smoldering Lake Outfitters to provide a once-in-a-lifetime experience for disabled veterans to hunt a moose in Maine. The Disabled Veteran Controlled Moose Hunt is a free, guided hunt for disabled veterans, that combines the state's wildlife biology needs for crop preservation and the opportunity to hunt a moose in Maine. Each year, Dave and Keri close down their guide service for six to eight weeks, in order to take disabled veterans on three-day guided and disability-adapted hunts. The Hentosh's commitment and generosity to making the hunt a memorable experience is remarkable. Dave has always said that moose are just an excuse, because the healing and hope that comes from the comradery fostered in nature's setting is unparalleled. Quite simply, Maine Disabled Veteran Controlled Moose Hunt changes lives. We are honored and grateful for the Hentosh's dedication and compassion, and we honor them here today.

Tomorrow, BVS is hosting another unique event. Mr. Warren B. Goodwin, US Navy Seaman First Class and World War II veteran, is being laid to rest at Maine Veterans Memorial Cemetery on Mount Vernon Road. He passed away on January 10th at Midcoast Hospital, without having had a single visitor to his elder care residence for over five years. It is an honor and privilege to have this responsibility to take custody of veterans with no known next of kin. For our veterans, it is simply the right thing to do. The ceremony is at 10 o'clock tomorrow and all are invited to attend.

Last August, after Bruce Fitzgerald departed the Maine Emergency Management Agency, the agency was placed in the hands of acting director Pete Rogers. He maintained a calm and low profile for exactly nine days; and then Hurricane Harvey hit down in Huston, followed immediately by Hurricanes Irma and Maria, and Maine wasn't exempt from our own natural disasters. We had blizzards, ice jam, an earthquake, and a fall windstorm that caused power outages to the State of Maine that were more power outages than we'd ever seen in any single event. It became apparent that the windstorm damage was significant enough to pursue a Presidential Disaster Declaration. After weeks of work with help from local, county, state, and federal agencies, in January we received the news that Maine was granted a Presidential Declaration for 13 Maine counties for public assistance, which will cover 75% of the cost of approved damages to public infrastructure. Before our new director could start, we threw in a couple more winter storms and a record week of cold temperatures.

While every event that requires emergency responders results in lessons learned, I think we can feel confident that

MEMA was up to the task. It's because MEMA is a great team who ensures the state is focused on mitigation, preparedness, response, and recovery in disaster situations; but it's also because Pete Rogers was willing and able to step up and provide leadership and continuity as the acting director. Thank you, Pete.

So, after the Governor nominated and the Senate confirmed her, Suzanne Krauss became the director of MEMA on January 23rd. She was an active duty Navy rescue helicopter pilot, and is still a Navy officer in the Reserves, and she has experience in the private sector. Please welcome Suzanne Krauss as our new MEMA director.

For those of you that didn't like my Navy joke last year, now we're even. So, and I still think -- just for the record, I still think that the Navy is a great alternative to military service. Sorry, sorry. Sorry, I can't --.

Continued decreased funding -- continued decreased or flat funding from our Federal Homeland Security Grants continues to put pressure on MEMA operations and staff at current levels. This has also resulted in reduced grants to county emergency management agencies and communities. Historically, FEMA has used the statistic that for every \$1 spent on mitigation and preparation, you get \$4 savings in response and recovery, which is a great return on investment. Like many issues, the proper balance between federal, state, local, and personal responsibility needs to be part of the conversation as we develop budgets and set priorities.

MEMA prepares for much more than natural disasters. MEMA, as an agent of the state Emergency Response Commission, funded and coordinated 71 technical hazard classes throughout 2017, training nearly 1400 first responders. This instruction reinforced our first responders' capabilities to react to technical hazards. Topics included ammonia safety, chemical plume plotting, and tank truck rollover response. Additionally, MEMA continues to work with state and federal agencies and the private sector in hardening and securing installations, facilities and business. MEMA assists with site visits, emergency operation plans, and continuity of operations plans. In addition, MEMA's outreach has resulted in approximately 6,000 Mainers completing online FEMA independent study classes. MEMA staff, emergency response team members, county emergency management agency directors, as well as many other partners, participated in the Maine Fire and Ice 2017 exercise series, a four-part series designed to examine the response and recovery related to catastrophic ice storm and weather events, to include statewide power outages. These exercises promote key working relationships, and allow for nearly seamless transition from normal operations to full state emergency operations center activation during a real-world power outage, which actually happened just a few months later.

The natural disasters of the last year highlight the importance of emergency preparedness for individuals and communities. Unfortunately, the terror threat and the horrific mass shootings need to be part of our preparedness. It is important for us to take steps to be resilient, not only as a nation and a state, but as individuals. We can do this by first knowing the risks of our communities, preparing ourselves and our families for emergencies, and creating and communicating emergency action plans. Also, "See Something, Say Something" remains important to safe communities. Look to MEMA for suggestions on how you and your constituents can improve their preparedness.

At this time last year, the bulk of Maine Military Authority's workforce was furloughed, and we were hoping to complete

negotiations with Massachusetts Bay Transit Authority to reduce the losses to the Maine taxpayers, after it became clear that we had underbid the project. We received our notice to proceed under the new contract terms in mid-April last year, and have completed 13 busses since the restart. Most importantly, the contract amendment and the efficiencies have stopped the losses to Maine taxpayers. While MMA has refurbished over 16,000 military vehicles since it started in 1997, nothing has been as complicated as these 32 dual-mode articulated busses from MBTA. The workers of MMA continue to demonstrate the quality of work that has become their trademark. With improved cash flow resulting from last year's supplemental appropriation, we have gained efficiencies in procurement and improved processes, allowing workers to focus on refurbishing busses, not on looking for and waiting for parts. MBTA continually affirms that MMA's finished product is the highest quality overhauled transit vehicle that they've ever received. While MMA has been positive for both taxpayer and Aroostook County economy during its history, we are now looking to the future. Competing for future contracts in the civilian sector is difficult and risky. We continue to believe that the facilities and workforce are a model for future development, but business decisions involve risk, and our goal is to minimize the risk to the Maine taxpayer. We work with Loring Development Agency to attract new opportunities to Limestone. To that end, MMA is establishing teaming agreements with private industry to identify additional workload. We are awaiting a start date to refurbish howitzers, a project that is a result of teaming with Loring Industries. MMA's past performance and impressive modern facilities complement Loring Industries, a private company. They have hired employees, opened a New England Kenworth facility, and created additional refurbishment possibilities. They have helped to set the stage for future opportunities.

So, let's turn to the Maine National Guard. We live in an age of uncertainty, and we are a nation at war. That is the exact same line that I started with last year, and nothing has changed, except that we may be living in a more dangerous and more uncertain world. Just turn on the news or read the recently released National Defense Strategy. The threats are no secret. The readiness focus of both the Army and Air National Guard for more than 25 years has been Central Command theater—Southwest Asia and the Middle East. Now we have been directed to focus our readiness on a wider spectrum of threats in other parts of the world. This requires training, resources, and time. Unfortunately, we have been challenged by the lack of a federal budget, and multiple continuing resolutions. Each continuing resolution comes with portions of last year's dollars, and we have been forced to plan and re-plan. We have been forced to cancel travel and cancel training. We have planned for multiple federal shutdowns, and actually furloughed employees last month. Many folks see our members in uniform and they just assume that we fall under the military exemption during government shutdowns. That is not the case for Guardsmen. Our drill training and annual training, where most readiness training occurs, are not excepted. During this January shutdown, over 100,000 Guardsmen and Reservists across the country had drill canceled. We have 3,200 total National Guardsmen in Maine, both Army and Air. While most are traditional citizen Soldiers and Airmen, over 900 are full-time. During the shutdown last month, over 500 furlough notices were issued to full-time staff whose status or duty was not excepted in the shutdown language. Despite these distractions, we remained focused on

job number one: providing ready forces in a dangerous and uncertain world.

The Maine Air National Guard is commanded by Brigadier General Scott Young, with the help of State Command Chief, CMSgt Kelly Hoffses. In June, I had the honor of presenting the 243rd Engineering Installation Squadron, in South Portland, with its seventh Outstanding Unit award for its significant contributions to the upgrades, enhanced force protection for US bases in CENTCOM region and continuous engineering and installation support to high-visibility Air Force programs. Locally, they supported projects with the Army National Guard and installed 23 communication antennas for MEMA. A recent Inspector General report recognized the unit as best small unit seen to date. At this time next year, over 30 members of the 243rd will be deployed overseas. In September of last year, the 265th Combat Communication Squadron, also located in South Portland, was tasked to deploy the Joint Incident Site Communications Capability, what we call the JISCC, in support of Hurricane Maria and Irma recovery operations in the US Virgin Islands and Puerto Rico. The seven Airmen from the 265th provided core communications that included commercial internet network and phone services for civil engineering, Army medical, and runway operations. They experienced a lot of rain and they did some important work, but I think their highlight was a ride from the US Virgin Islands to Puerto Rico on a FEMA-contracted barge. The 265th continues to be very busy, and currently they have over 30 members that are deployed to Africa and Southwest Asia, providing cyber and communications support.

The 101st Air Refueling Wing continues to be one of the busiest Air National Guard wings in the country. There are a couple of primary reasons: geography and the air refueling mission. Our geography is ideal for transient aircraft deploying and re-deploying, and it is ideal for air refueling aircraft due to the great circle track to Europe and Southwest Asia. The air refueling mission is critical to almost every aspect of the Air Force mission. Air refueling makes our Air Force a global Air Force and it is the most -- one of the most important capabilities for Force projection. The KC-135 is an old aircraft. Our newest was built in 1963. But significant upgrades and improvements continue to keep them flying for another couple generations. The other thing that's going to keep them flying is the quality of the airmen who maintain them.

MSgt Chris Pappas, TSgt Bob Caldwell, and SSgt Jonathan Catell were performing heavy maintenance on their KC-135 while a C-17 Globemaster, an Air Force cargo aircraft, was doing touch and go's at the airfield in Bangor. We're not strangers to transient aircraft. Each year the Guard and the City of Bangor coordinate to service about 1,000 transients at Bangor International, so our maintainers are a versatile group. As the C-17 taxied past and prepared for another takeoff, MSgt Pappas's experience and situational awareness enabled him to see that the C-17 had two blown adjacent main tires and was dragging portions of a tire behind it. He directed TSgt Caldwell and SSgt Catell to roll the -- to stop the aircraft before it started its high-speed takeoff roll. They sprung into action and found the closest truck where they could communicate with the control tower. They informed the tower that the C-17 had problems. Then they proceeded to follow the aircraft until it stopped, to ensure that no other debris came off the C-17 and endangered other aircraft. Attempting to take off with two blown main landing gear tires would not end well, and the swift response of these three airmen potentially saved the Air Force a C-17 and the lives of the air crew, had they not stopped it in time. These three airmen are examples of the experienced

and dedicated airmen that we have in the Maine Air National Guard.

And you guys did finish fixing the KC-135, right? All right.

The Wing continues to deploy members at unprecedented rates to both CENTCOM and the Pacific. Last year the Wing members deployed to Afghanistan, Jordan, Kuwait, Qatar, United Arab Emirates, Djibouti, Niger and Guam. There is no shortage of challenges, but with the Wing leadership team of Wing Commander Colonel Frank Roy and Wing Command Chief, CMSgt Dan Moore, and their command staff, they continue the MAINEiac tradition and reputation.

The Maine Army National Guard is commanded by Brigadier General Tim Corbett and Command Sergeant Major Scott Doyon as the Senior Enlisted leader and Chief Warrant Officer Five Darrell Stevens, the Command Chief Warrant Officer. Since 2001, the Maine Army National Guard has mobilized over 6,000 soldiers in support of homeland defense, combat operations in Iraq and Afghanistan, and global stability operations in Africa, Kuwait, Kosovo, and Qatar. Currently we have soldiers serving in Kabul, Afghanistan, supporting NATO command operations and a fixed-wing unit providing support in the Middle East. We are proud of these deployed soldiers under the command of Colonel Brian Ouellette and Command Sgt Major Jim Tash as they support the allies and fellow soldiers in Operation Resolute Support. They are giving the Afghan people a chance to create a country where terrorism and violent extremism doesn't survive, and therefore creating a safer world. Over the next year, the Maine Army National Guard will mobilize soldiers to Afghanistan for Air Medivac; to Department of Defense Cyber Operations; and to Eastern Europe in support of ongoing exercises.

In collaboration with the University of Maine's Climate Change Institute and the Maine North Atlantic Development Office, the Maine National Guard has partnered with like-minded cold weather states to address the growing concerns in the Arctic. Last year we helped form the National Guard Arctic Interest Council to codify the National Guard as a force provider for the Arctic, share situational awareness on issues related to the Arctic, and conduct joint interagency exercises that will help us prepare for cold-weather contingency operations. As the council's Vice-Chair, Maine will host a conference at our Regional Training Institute in Bangor later this year to further coordinate these efforts. Our geography dictates that we must be part of the conversation when the Arctic is discussed.

We continue our strong partnership with local law enforcement in the battle against Maine's opioid epidemic, providing case and criminal analysts to support the drug-related law enforcement agencies including seven Maine Drug Enforcement Agency offices at the Maine Information and Analysis Center. We provided direct support for over 500 cases by conducting background investigations, database inquiries, Mobile Device Forensics and producing intelligence reports. We all know that law enforcement alone is not going to solve this epidemic, and we're excited that last year to be able to reestablish a three-person civil operations team, charged with building relationships and working with community-based prevention organizations. Since that time, this team has begun work with three coalitions, participated in a Drug Take Back Day in October, with another planned this spring, and is laying the groundwork to broaden community outreach abilities.

Our partnership with Montenegro continues to be strong and mutually beneficial. The highlight this year was actual accession of Montenegro as a full-fledged member of NATO.

I know it was a lot of hard work for Montenegro, and it is rewarding that they appreciate the help of Maine's soldiers and airmen in their achievement. The Montenegrins are still hoping that Governor LePage can accept their invitation to visit Montenegro so that they can thank him in person for our assistance.

Recruiting and retention continues to be critical to our future. A shrinking population of 17–24-year-olds along with all the eligibility challenges that I've discussed for the last couple years, will continue to challenge that recruiting and retention. Our Tuition Assistance program passed in the 127th Legislature has become one of our most important tools. Last year, I addressed how the referendum for legalizing recreational marijuana complicated enlisting and serving in the military. We send a confusing message to those who want to pursue a military career. Thank you for the time and energy that you have spent debating this serious issue. Despite these challenges, please don't get the wrong idea about the quality of soldiers that we are recruiting. One thing that has changed the most during my time in the military is the education and technical skills of our force. It is quite impressive. Of all our soldiers and airmen, over 500 have Bachelor's degrees, over 160 of them have Master's degrees or higher, and nearly half of our soldiers and airmen have documented -- have some documented college attendance.

A1C Shawn Goddard is an example of a recent Air National Guard enlistee, in Communication/Navigation section of aircraft maintenance. He graduated from basic military training course last month. His class started with approximately 820 recruits, which through attrition dropped to 771 at graduation. Only 10% get selected as honor graduates, and only one is the top graduate in the class, and it was our own A1C Shawn Goddard, the top graduate of his class. Thank you.

Sgt Marina Gray joined the Army National Guard at age 17, after graduating from high school early. She was active in high school in student council, and class president. She enrolled at the University of Maine because she knew that education was key to a successful future. In her five-year Army National Guard career, she has been named her unit Soldier of the Year, and in 2017 she received the Non Commissioned Officer of the Year for her Company. This December she graduated from the University of Maine with a major in Interpersonal Communication and a minor in Psychology. She is now working on her Master's degree. You wouldn't think she had a lot of time for other activities, but one thing she found time to do was to compete in Miss Maine USA 2018. This was her first pageant ever, and she won, so this year she will be competing in the state competition to be the Maine NCO of the year and also competing in the Miss USA pageant. Please recognize Forward Support Company NCO of the Year and reigning Miss Maine USA, Sgt Marina Gray.

One hundred years ago, in February 1918, Maine National Guard soldiers entered the Western Front of World War I. Two Maine Guard units, consisting of over 3500 men became part of the famed Yankee Division. This was the first deployment of National Guard soldiers in federal service fighting alongside their active duty counterparts. It was a Maine National Guardsman from Madison, Private Ralph Spaulding, who was the first National Guardsman to be killed in battle. Over 175 Maine Guardsmen paid the ultimate sacrifice, while nearly a thousand were wounded in action. When these Soldiers returned home to Maine, they became the community leaders of our next several generations; building Maine through industry, labor, veterans' organizations, politics, and continued National Guard service. The Maine Guard recognizes their

sacrifice and will honor their courage during the 100th anniversary of World War I, by participating in Centennial events. Our command historian, Capt John Bratten, went to France to help tell the story of our Maine Guard members in a Smithsonian Channel documentary. Last year, we participated in events in Maine and Massachusetts that marked New England's role in the war. This year we are planning to participate in Maine and Army events both in the US and overseas.

General Joshua Chamberlain once wrote about soldiers' willingness to serve out of a loyalty to "great ideas" that they "firmly believe to be vital elements of our Union." He called them "the constructive principles by which our freedom should be realized." As Mainers, we have always been proud of the commitment to service that has been our tradition in every conflict. Maine's citizens understand these great ideas, and that these constructive principles are worth defending. I think it is important to remember that this generation is no different. We have been at war for 17 years, some would say longer. We live in a dangerous time. Yet, Mainers from all across the state continue to join the Maine Army and Air National Guard. Despite the high operations tempo and deployments that strain families and employers, they continue to enlist and re-enlist. Most of our Soldiers and Airmen have never known the military not at war, in Afghanistan, Iraq, Syria, or wherever we need to go, to fight violent extremism or deter those who would threaten our constructive principles. I thank them all for their service.

So, before I close, I do want to just take a second to thank the members of the 128th Legislature. Some of you will be completing at least this chapter of your public service. Some of you know it, some of you don't yet, but -- and I know it can be a challenge and a sacrifice for you, your families, your employers and your coworkers, so on behalf of our entire department I want to thank you for your service to Maine.

I appreciate this opportunity to give you an update on the Bureau of Veterans' Services, Maine Emergency Management Agency, the Maine Military Authority, and the Maine National Guard. We have a Department and a National Guard that are full of talented people who have chosen to serve the State of Maine and our nation. I am honored to serve beside them as your Adjutant General. Thank you.

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The Adjutant General withdrew amid the applause of the Convention, the audience rising.

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

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

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(After the Joint Convention)

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The House was called to order by the Speaker.

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**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Protect Persons Who Cultivate, Process, Buy and Sell Hemp" (EMERGENCY)

(S.P. 567) (L.D. 1611)

Signed:

Senators:

DAVIS of Piscataquis  
DILL of Penobscot  
SAVIELLO of Franklin

Representatives:

DUNPHY of Old Town  
ACKLEY of Monmouth  
BLACK of Wilton  
HIGGINS of Dover-Foxcroft  
MARTIN of Sinclair  
McELWEE of Caribou

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-357)** on same Bill.

Signed:

Representative:

CHAPMAN of Brooksville

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

**READ.**

Representative DUNPHY of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I humbly oppose the motion before us. I'm a cosponsor of this bill. This bill -- I read the Department's testimony, I don't agree with it. This bill would provide for an industrial hemp pilot program that would be to the benefit of the State of Maine. Industrial hemp is a product that we should have growing all over the place. I believe it represents an opportunity for manufacturing to return to Maine in our future. And so I would humbly request a roll call. Thank you.

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

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

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

**ROLL CALL NO. 490**

YEA - Alley, Austin B, Austin S, Babbidge, Bates, Battle, Berry, Bickford, Black, Bradstreet, Campbell, Chace, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Dillingham, Duchesne, Espling, Farrin, Fay, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Guerin, Haggan, Hanington, Harrington, Head, Herbig, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Kinney J, Kinney M, Kornfield, Kumiega, Longstaff, Lyford, Madigan J, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Ordway, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce T, Pouliot, Reed,

Riley, Sampson, Sanborn, Schneck, Seavey, Sheats, Skolfield, Stearns, Stetkis, Stewart, Strom, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Madam Speaker.

NAY - Ackley, Bailey, Beebe-Center, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Devin, Doore, Dunphy, Farnsworth, Fecteau, Grohman, Hamann, Harlow, Harvell, Hawke, Hickman, Jorgensen, Lockman, Madigan C, Malaby, Marean, Martin J, Nadeau, O'Connor, O'Neil, Parker, Pierce J, Prescott, Reckitt, Rykerson, Sanderson, Sherman, Simmons, Sirocki, Spear, Stanley, Sutton, Sylvester, Talbot Ross, Warren, Wood, Zeigler.

ABSENT - Cebra, Handy, Hanley, Herrick, Lawrence, Luchini, Martin R.

Yes, 97; No, 47; Absent, 7; Excused, 0.

97 having voted in the affirmative and 47 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Resolve, Authorizing the Lease of the Colonial Pemaquid State Historic Site

(S.P. 638) (L.D. 1739)

Signed:

Senator:

DILL of Penobscot

Representatives:

DUNPHY of Old Town  
ACKLEY of Monmouth  
BLACK of Wilton  
CHAPMAN of Brooksville  
HIGGINS of Dover-Foxcroft  
KINNEY of Knox  
MARTIN of Sinclair  
McELWEE of Caribou  
SKOLFIELD of Weld

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-358)** on same Resolve.

Signed:

Senator:

DAVIS of Piscataquis

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

**READ.**

On motion of Representative DUNPHY of Old Town, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.



Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Allow Hemp Growers To Grow Hemp from Clones and To Grow Hemp Indoors" (EMERGENCY) (H.P. 522) (L.D. 742)

Signed:

Senators:

DAVIS of Piscataquis  
DILL of Penobscot

Representatives:

DUNPHY of Old Town  
ACKLEY of Monmouth  
BLACK of Wilton  
HIGGINS of Dover-Foxcroft  
KINNEY of Knox  
MARTIN of Sinclair  
McELWEE of Caribou  
SKOLFIELD of Weld

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-594)** on same Bill.

Signed:

Representative:

CHAPMAN of Brooksville

#### READ.

Representative DUNPHY of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **CHAPMAN**: Thank you, Madam Speaker, Friends and Colleagues of the House. This is a bill that, like one that we just voted on a few moments ago, would help the agricultural industry in Maine; and I'm sorry that fears around hemp, because of its connection with psychoactive agricultural products, makes this difficult to get through the Legislature. I just wanted to make note that the hemp referred to in this bill is not allowed to contain more than the -- a limited amount of THC, such that it is not a psychoactive product. Thank you, Madam Speaker.

Representative HICKMAN of Winthrop **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. 491

YEA - Alley, Austin B, Austin S, Babbidge, Berry, Black, Bradstreet, Campbell, Chace, Cooper, Corey, Craig, DeChant, Denno, Dillingham, Doore, Duchesne, Espling, Farrin, Fay, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Guerin, Haggan, Hanington, Harrington, Head, Herbig, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Kinney J, Kinney M, Kornfield, Kumiega, Longstaff, Lyford, Madigan J, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Moonen, Nadeau, Ordway, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce T, Pouliot, Reckitt, Reed, Riley, Sampson, Sanborn, Schneck, Seavey, Sheats, Sherman, Skolfield, Stearns, Stetkis, Stewart, Strom, Tepler, Terry, Theriault, Timberlake,

Tipping, Tucker, Tuell, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Madam Speaker.

NAY - Ackley, Bailey, Bates, Battle, Beebe-Center, Bickford, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Daughtry, Devin, Dunphy, Farnsworth, Fecteau, Grohman, Hamann, Handy, Harlow, Harvell, Hawke, Hickman, Jorgensen, Lockman, Madigan C, Malaby, Marean, Martin J, Monaghan, O'Connor, O'Neil, Parker, Pierce J, Prescott, Rykerson, Sanderson, Simmons, Sirocki, Spear, Stanley, Sutton, Sylvester, Talbot Ross, Turner, Warren, Wood, Zeigler.

ABSENT - Cebra, Hanley, Herrick, Lawrence, Luchini, Martin R.

Yes, 95; No, 50; Absent, 6; Excused, 0.

95 having voted in the affirmative and 50 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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#### CONSENT CALENDAR

##### First Day

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

(S.P. 662) (L.D. 1777) Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2019" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-351)**

(H.P. 1015) (L.D. 1476) Bill "An Act To Ensure Continued Coverage for Essential Health Care" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-595)**

(H.P. 1157) (L.D. 1670) Bill "An Act To Revise the Grandparents Visitation Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-597)**

(H.P. 1167) (L.D. 1679) Bill "An Act To Authorize the Oxford County Commissioners To Close the Western District Registry of Deeds" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-598)**

(H.P. 1197) (L.D. 1717) Bill "An Act To Clarify the Authority of the Chief Medical Examiner To Properly Dispose of Abandoned Human Remains" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-596)**

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 and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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#### ENACTORS

##### Emergency Measure

An Act To Fund the Downeast Correctional Facility

(H.P. 1184) (L.D. 1704)

(C. "A" H-593)

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

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

**Emergency Measure**

An Act To Update the Laws Governing the Department of Environmental Protection's Rule-making Authority Concerning Underground Oil Storage Facilities To Align with Federal Regulations

(H.P. 1229) (L.D. 1784)  
(C. "A" H-582)

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

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

**Acts**

An Act To Create the Bar Harbor Port Authority

(S.P. 478) (L.D. 1400)  
(C. "A" S-347)

An Act To Clarify Definitions in the Laws Regarding the Licensing of Eating Establishments and Lodging Places

(H.P. 1163) (L.D. 1675)

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

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, February 15, 2018, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-589)** - Committee on **INLAND FISHERIES AND WILDLIFE** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish

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

TABLED - February 15, 2018 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

Representative FREDETTE of Newport **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 Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Madam Speaker, Men and Women of the House. I am testifying neither for nor against.

The concept of a Constitutional Amendment recognizing the right to hunt and fish has a lot of merit. There are 21 states that already have this right in some form or another. Vermont established it when they became a state in 1777, so it's by no means a farfetched idea.

This is a 9-4 Ought Not to Pass Report, even though some members in the majority would actually entertain the idea, and I would be one of them. The problem is, we didn't get the words right. In fact, we don't even know what some of the words mean. For instance, the amendment would protect the right to use traditional methods, but nobody seems to know what that means. Wildlife laws are always subject to modernization; we no longer drive deer or dynamite fish. The Committee is now working on where you can use live bait in heritage brook trout waters. So, what are traditional methods? The Committee could never quite get an answer to that question so we really don't know what these words would mean if we put them into the Constitution. How could a Constitutional Amendment hurt the ability of our own sportsmen to statutorily protect their own resources? The Committee could never really answer that question.

We all know that our reasonable laws are subject to the Constitution. The way this bill is worded, the language in LD 11 says that this constitutional right is subject to reasonable laws. There's nothing actually in the Constitution anywhere else that I know of that has that kind of phrasing. What does it mean legally? We never got a legal opinion within the Committee to answer that question, either. So, there's a lot of gray areas we don't understand in the bill.

There are several more questions about the wording, but we never got to it, so the Committee split. I would say the majority has a reasonable desire to be able to vote yes on a Constitutional Amendment verifying traditional sports as a right, even if the language contains some problems. I think that's a reasonable way to vote if you want to do so. The majority either did not favor the bill outright, or had grave concerns about amending a fundamental document of Maine government unless we have a better idea of what it is we're doing. You don't put words into the Constitution if you don't exactly know what they mean, so the committee split 9-4 Ought Not to Pass. It's disappointing that this vote looks like it might be pro-sportsmen versus pro-Constitution. I think it's probably my failure that we didn't work the bill enough, and I apologize for that. So, vote however you want, but I think there's one thing pretty certain: this bill is not ready for primetime, and I don't think it should leave this chamber alive. There is some consensus in the sporting community that we're not ready to raise the resources it takes to put a flawed amendment on the ballot, and especially if the Legislature didn't get the words right. So, I would suggest the members might wish -- be more comfortable voting with the majority of the Committee, Ought Not to Pass. 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. 492**

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

NAY - Ackley, Austin S, Bickford, Black, Bradstreet, Bryant, Chace, Corey, Dillingham, Dunphy, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Grohman, Guerin, Haggan, Hamann, Hanington, Harrington, Harvell, Hawke, Head, Herbig, Hickman, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Marean, Martin J, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Cebra, Hanley, Herrick, Lawrence, Luchini, Malaby, Martin R.

Yes, 75; No, 69; Absent, 7; Excused, 0.

75 having voted in the affirmative and 69 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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### REPORTS OF COMMITTEE

#### Refer to the Committee on State and Local Government Pursuant to Joint Order

Report of the **Joint Standing Committee on State and Local Government** on Bill "An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists"

(S.P. 695) (L.D. 1842)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** pursuant to Joint Order 2017, S.P. 685.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

The Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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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 Carmel, Representative Reed.

Representative **REED**: Madam Speaker, request the right to speak on the record?

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

Representative **REED**: Madam Speaker, Ladies and Gentlemen of the House, I rise today with some reluctance but at the same time I feel that I must do so.

Last Thursday I left this place quite upset, and I remained that way all the way home. What got me so upset was the politicizing of the school shooting that took place in Florida the day before on, of all days, Valentine's Day. But out of respect for the families of those children that were lost, and out of respect for those who were speaking, I remained silent and listened. But not so today.

I didn't get up and walk out, but at a time when our hearts and thoughts were prayerfully united for those victims, someone chose to divide us by politicizing this horrific event. That particular moment wasn't about you or about me or what

you and I think politically, but about bearing one another's burdens and having sympathy for those families, whose lives have been shattered and whose hearts had been broken into a thousand pieces. But, by jumping on a hot button issue, our focus was quickly shifted from the suffering families to politics and anger. Is there anyone in this building that does not agree that the shooting was indeed a tragedy and a terrible thing that never should've happened? Are not all of our hearts broken for the families of the children that will never again return home? For the children that will never again take their seat at the kitchen table or go to sleep in their own beds? And what about the children who survived this horrific ordeal and will be forever affected by it for the rest of our lives? We who have never lived through a day like this can only imagine the heartache and sorrow that families feel to that -- those families feel today. But when terrible things like this happens, the thoughts of our children causes us to make connections to those that we don't even know, through our prayers and our moments of silence. Yet we were informed that the time for prayer was not enough and the moments of silence was not enough. I would submit, to all in this body who are willing to hear, that the time for prayer is way too late, and for that matter, not nearly often enough. The intent of such remarks, of course, was to focus our attention, not on the perpetrator who carried out the deed, but to place the blame for this dastardly deed, once again, upon the gun rather than the gunner.

Many in this building have owned guns all their lives and, yes, I bet some own an AR-15. But these guns have never killed anyone. Why? Because these guns are not the problem. The problem is the person behind the gun. Now, that's the conversation we should be having. Once again, certain people want to -- want everyone to believe that this was the work of the NRA and those who believe in the Second Amendment, and all that is needed to stop these terrible shootings is to remove all guns from our society. That makes as much sense as taking the BMW automobile away from people because some irresponsible driver under the influence of alcohol, driving a BMW, ran over some people on the highway. One even reported that the NRA contributed more than \$10,000 to this student's training in firearms. The truth is that the NRA contributed to this student's high school ROTC program along with more than 30 other ROTC programs in the country. It should also be noted that ROTC firearm training usually involves the handling of air pellet guns, not AR-15s.

My answer to this school shooting is simple. It never should have happened. The local police had been summoned to this student's home for violence and numerous other things, more than 30 times. Did the school officials know this? Yet we continue to allow doctors, psychologists, and psychiatrists who have patient confidentiality privileges that keep school officials from being made aware of troubled students even as they are allowed to walk the streets. No one believes that someone who is mentally ill should have access to an AR-15 semiautomatic rifle; but let's not throw the baby out with the bathwater by believing that everyone who possesses an AR-15 rifle is a danger to society and is likely to be involved in a school shooting. Let's make sharing mental health information, when it involves a troubled youth, with school officials.. let's make that a part of the conversation as well. I also believe the way to stop the killing of students by some mentally ill, deranged person with an AR-15 is to put some retired military person or professionally trained policeman on the inside of the door with an AR-15 of his own. Maybe that should be included as part of the conversation. Our schools will have more security and safety when we choose to place well-trained local

policemen at the entrance to our schools, with the understanding that no one enters the building without proper clearance. Many are already doing this in our schools, and some are doing concealed carry in our churches throughout the land. Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House.

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

Representative **BABBIDGE**: Madam Speaker, I appreciate being recognized. I understand the passions in the chamber and concern about the politicization of recent events. I did not react to the words that we heard last week in the very same way. I just wanted to say that I think all of us agree that our charge here in this chamber is to do what we can, within our means, to make life better for our community, and to make the world a better place. And let us be reminded of the great words of a noted conservative, Edmund Burke, who said that "the only thing necessary for the triumph of evil is for good men to do nothing." Thank you, Madam Speaker.

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The SPEAKER: One announcement from the Chair before we go. This, maybe more than any other issue, has the propensity to bring out great emotion in all of us, and I have no doubt that there will be policy debates and time for us to really have this conversation within those policy debates. It is a very challenging position to stand at the rostrum sometimes during announcements, and I know that each of us have had these conversations in our caucus, and about what sort of subjects we bring up at announcement time; and there is no absolute right or wrong in this, which is part of why, as the person who presides over this body, it is particularly challenging. What I do have confidence in, which I've said before in some of our most difficult times together, is the ability of each of us as members to bring ourselves to this process with integrity, with good intentions, with the ability to represent our constituents, narrowly, from the districts that we come from, but also broadly, for all of Maine at the same time; and I know that we will continue from this point forward to have good debate about the merits or shortcomings of the policies before us, and that, most importantly, we all take our job in protecting Maine people very seriously. Thank you for giving me a moment to voice that.

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On motion of Representative SANDERSON of Chelsea, the House adjourned at 11:57 a.m., until 10:00 a.m., Thursday, February 22, 2018, in honor and lasting tribute to Evan A. Thurlow, of Oxford; Robert D. McCartney, of West Bethel; Carroll B. Leone, of Lebanon; Richard Arthur Lincoln, of Wayne; and Bernard Wilbur Kinney, of Milo.