

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE  
SECOND REGULAR SESSION  
34th Legislative Day  
Thursday, April 12, 2018

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

Prayer by Reverend Carie Johnsen, Unitarian Universalist Community Church of Augusta.

National Anthem by Sanford High School Chamber Singers.

Pledge of Allegiance.

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

The Journal of yesterday was read and approved.

**COMMUNICATIONS**

The Following Communication: (S.C. 981)

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

April 11, 2018

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Criminal Justice and Public Safety on Bill "An Act To Provide Additional Deductions from a Sentence of Imprisonment for Completion of Education, Mental Health Treatment and Substance Abuse Treatment Programs" (H.P. 973) (L.D. 1415) in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

Bill "An Act To Allow Adults To Purchase Tobacco Products"

(H.P. 1344) (L.D. 1906)

Sponsored by Representative SANDERSON of Chelsea. (GOVERNOR'S BILL)

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

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

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

Doctor of the day, David MacKenzie, M.D., Scarborough.

**ORDERS**

On motion of Representative RILEY of Jay, the following Joint Resolution: (H.P. 1342) (Cosponsored by Senator SAVIELLO of Franklin)

**JOINT RESOLUTION RECOGNIZING  
JUNE 16, 2018 AS DESTROYER ESCORT DAY**

WHEREAS, World War II, the Korean War, the Vietnam War and the Cold War called upon thousands of America's youth to join in the fight by land, sea and air to restore freedom and peace throughout the world; and

WHEREAS, the Destroyer Escort was designed for use in World War II as an anti-submarine vessel to provide a lifeline for Allied forces by protecting convoys from the U-Boat menace in the Atlantic and was used extensively in surface-to-surface combat, shelling shores for invasions and many other assignments; and

WHEREAS, in recognition of the lives lost in these endeavors, and in commendation of the bravery and valor of the sailors of the Destroyer Escorts, the Destroyer Escort Association will host a special ceremony in Lewiston to honor the sailors of the Destroyer Escorts of World War II, the Korean War, the Vietnam War and the Cold War with special tribute paid to those who lost their lives with their ships; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize June 16, 2018 as Destroyer Escort Day throughout the State of Maine in commemoration of the valiant sailors who risked and often gave their lives for peace and freedom worldwide.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Riley.

Representative **RILEY**: Thank you, Madam Speaker. These fellows that I have with me up here in the gallery today are veterans. They were destroyer escort sailors and they are very proud of that. I am very pleased to have them here as my guests today. Thank you.

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

On motion of Representative TEPLER of Topsham, the following Joint Resolution: (H.P. 1343) (Cosponsored by Senator BREEN of Cumberland and Representatives: COOPER of Yarmouth, DAUGHTRY of Brunswick, DeCHANT of Bath, FULLER of Lewiston, Speaker GIDEON of Freeport, HANINGTON of Lincoln, HANLEY of Pittston, PIERCE of Dresden)

**JOINT RESOLUTION COMMEMORATING YOM HASHOAH,  
THE DAY OF REMEMBRANCE, APRIL 12, 2018**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered as victims of Nazism, such as the handicapped, political dissidents and many others for racial, ethnic or national reasons; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated, and the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps,

some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 8, 2018 to April 15, 2018 as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, April 12, 2018; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration, marking 73 years since the end of World War II and the liberation of the Nazi concentration and death camps; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust and in honor of the survivors, rescuers and liberators; that We urge one and all to recommit themselves to the lessons of the Holocaust through the international week of commemoration; and that We express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

**READ.**

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

Representative **TEPLER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, and Honored Guests. Today is Yom Hashoah, the Day of Remembrance of the Holocaust.

As is typical for my culture and my faith, I must use this opportunity for the purposes of education. I would like to talk a little bit about my children's great-grandparents and grandparents. My mother-in-law's family came from the small Polish village of Izbica, and they were determined not to leave their home when the blitzkrieg happened. My mother-in-law fled to the Soviet Union, but the rest of her family, her mother, her father, and her four brothers, remained behind in their home in Izbica. They were eventually transported, all of them, at different times, to the death camp called Sobibór. If you have not heard of Sobibór, I would like you to take a look on Google and see. This was a death camp. It was not a work camp like Auschwitz. It was a place where people were taken to be systematically killed. There was actually a huge revolt there among the Jews, and the Nazis eventually had to close the camp, but not before they had killed my children's great-grandparents and great aunts and uncles.

Following the war, my mother-in-law and her husband, who had met and married in the Soviet Union, went back to Poland, where there was another anti-Jewish riot called a pogrom, and they decided that they were done with Poland, that they were not comfortable there anymore, and they fled to displaced persons camps run by the United States Army in the nation of Germany. From there, they really wanted to come to America. They believed in the ideals of the United States. They really cared about the United States, and they really wanted to be

here. However, at that time, the US had a wave of anti-immigrant sentiment following the war, and there were severe restrictions on the number of refugees that could come, post-Nazi Holocaust and World War II, to the United States. So, my in-laws ended up in Canada and my husband was born in Montreal. They did eventually make immigration to the United States and settle in the city of New York, but they spent a long journey following the war to get here.

I feel strongly that when we think about immigration, we must think about this post-war period. My husband and I have become dedicated to the belief that there are people suffering from violence around the world, who are refugees currently, who desperately want to come to the United States. We have made part of our family two young men who came from the violence in East Africa who are asylum seekers. They are here in the United States legally, but they may not be able to stay. For now, they are with us, they are safe, and they are protected. One of the most important mottos of this country is E Pluribus Unum, out of many, one. And that is a very good motto for today.

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

Representative **HYMANSON**: Thank you, Madam Speaker. My husband's family came -- my father-in-law came from Poland during the pogroms and my three kids have lost a wide swath of their heritage to the Holocaust. The words I will speak are from holocaust survivors. "When you have hatred in your heart there is no room for love." -- Faigie Libman "Hate will destroy the person doing the hating." -- Nate Liepciger

"I am a strong believer that we must tell the stories to the youngsters. They are going to be our witnesses. But, please, present them in a way with the kind of emotions that will create -- that will not create the same hatred that was done to us." -- Max Glauben

"I tell my story for the purpose of improving humanity drop by drop by drop. Like a drop of water falls on a stone and erodes it, so hopefully by telling my story over and over again I will achieve the purpose of making the world a better place to live in." -- Pinchas Gutter

"To be a survivor after the Holocaust is to have all the reason in the world to destroy and not to destroy. To have all the reasons in the world to hate and not to hate. To have all the reasons in the world to mistrust and not to mistrust." -Elie Wiesel.

And, finally: "I never had a chance to say goodbye to my mother. We didn't know we had to say goodbye, and I'm an old woman today and I have never made peace with the fact that I never had that last hug and kiss. They say when you listen to a witness you become a witness. I am only asking you to work for a world where nobody will have to live with memories like mine ever again. Please heal the world." -- Judy Weissenberg Cohen. Thank you, Madam Speaker.

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

Representative **RECKITT**: I rise today briefly, Madam Speaker, on behalf of my kindergarten classmate in Cambridge, Massachusetts, I hesitate to tell you, in 1949. And I came home from school one day and I said to my mother, "Why does my friend have numbers on her arm?" And she was tattooed and I asked her why, and we discovered, of course, that she had been born in Auschwitz. And that clarification or that revelation really has marked me my whole life, to remember that small children, a few of whom survived the camps, because they were babies, and it's a miracle, and my friend was a miracle, but she was a miracle that was

marked with a tattoo for the rest of her life with the number that she had in preparation in the death camp of Auschwitz. I ask you to remember, whether it's been your own experience or another, and others that you care for, please, today and always, remember. Thank you.

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

Representative **DeCHANT**: Thank you, Madam Speaker. I rise today in support, of course, of Holocaust Remembrance Day, for my son that was Bar Mitzvahed last year, for my younger son who's been in Hebrew school since he was five, and he's ten now; so, Lord willing, we'll do this in another three years. For his family, for his father's family who was executed in the Holocaust, I read this poem and prayer.

God full of Mercy, defender of widows and father of orphans, be not silent or restrained regarding the blood which was spilt like water. Grant proper rest beneath the wings of your presence in the heights of the holy and the pure who like the brilliance of the heavens give light and shine for the souls of multitudes of thousands of men, women, boys and girls who are killed and slaughtered and burnt and suffocated and buried alive in the lands touched by the hand of the German oppressor and its followers of all the wholly impure. May the Garden of Eden be their resting place. Therefore the Master of Mercy shelter them in the shelter of his wings of eternity and bind their souls with the bond of life. God is their inheritance and may they find peaceful rest, repose in their resting place, and let us say amen.

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

Representative **COOPER**: Thank you, Madam Speaker. I rise to make note of the fact that the victims of the Holocaust included not only those who died and suffered there and their families who survived to tell the -- to bear witness to that suffering, but also for the liberators of those camps, which included my uncle, who was part of an army unit that liberated one of the camps; and perhaps because he was raised as a Jew, it struck him even harder than for most people. But, for whatever reason, he came home with what we now call PTSD, and shortly after, within a year, he had taken his own life. The horrors that he saw were just too much to bear. But we must bear witness to these horrors as, by remembering them, ensure that they never happen again, not in our lifetime, not in the future. Thank you.

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

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

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On motion of Representative DUNPHY of Old Town, the following Joint Resolution: (H.P. 1345) (Cosponsored by Senator DAVIS of Piscataquis and Representatives: ACKLEY of Monmouth, BLACK of Wilton, HIGGINS of Dover-Foxcroft, MARTIN of Sinclair, O'NEIL of Saco, SKOLFIELD of Weld, Senators: DILL of Penobscot, SAVIELLO of Franklin)

**JOINT RESOLUTION TO RECOGNIZE THE MULTIFACETED AGRICULTURE OF MAINE**

WHEREAS, recent statistics show that farming in Maine has grown, that Maine continues to lead the New England states with 8,174 farms and that the value of Maine's crops and livestock has grown 24% since the last census of agriculture; and

WHEREAS, Maine's agricultural enterprises provide more than \$764,000,000 through the sale of farm products and contribute more than \$2,000,000,000 annually to the State's economy, and Maine agricultural products are increasingly available locally in farmers' markets, schools and institutions; and

WHEREAS, Maine farmers are the stewards of 1,450,000 acres of land, a vital resource in maintaining Maine's rural economy; and

WHEREAS, Maine is first in the world in the production of wild blueberries, a world leader in the production of brown eggs, first in New England in the production of food, first in New England in the value of aquaculture sales, second in New England in milk and livestock production, third in the Nation in the production of maple syrup and eighth in the Nation in the production of fall potatoes, is the fastest-growing artisanal cheese-producing state in the Nation and is the only state involved in the commercial production of fiddleheads; and

WHEREAS, agriculture has always been a part of Maine's prosperity, maintaining much of Maine's scenic open space, providing recreational opportunities and contributing to the character of Maine's rural communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, pause in our deliberations to recognize Maine's agricultural community and its contribution to the betterment of our State, to pledge our support and encouragement and to urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agriculture industry; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Conservation and Forestry, as a token of the esteem in which those in this vital field are held.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunphy.

Representative **DUNPHY**: Thank you, Madam Speaker, Women and Men of the House. I rise to acknowledge not only the history of our agricultural economy but its breadth and energy as well.

As a Legislature, we come together in the winter months, we convene the first Wednesday of December in the first session and the first Wednesday of January in the second session. We meet in the winter months because, historically, every member of the Legislature was a farmer. We met between the critical times of harvest and planting. In 1895, Maine was a leading agricultural state. The agricultural survey counted more than 65,000 farms that covered more than 6.5 million acres. Agriculture Day is not only meant to celebrate the past but also the robust role agriculture and silviculture promise for our future.

Today, our farms are going faster than at any time since 1895, and we are proud of our 8,000 farms and our 1.35 million acres of farmland currently in production. Our loggers are also farmers and considered a valuable part of our agricultural community. Last year's crews cut 12.7 million green tons of wood for our mills. They represent thousands of good-paying jobs, and our loggers are amongst the best and most professional in the world. In recent years, our timber professionals contributed an estimated \$882 million annually to our Maine economy.

Our dairy industry, harness racing, and agricultural fairs are all essential components of our heritage, as well as our own land grant university, the University of Maine. When we

consider agriculture, we must consider that there are many threads in what we do here that are the direct result of the colorful past and bright future held in our farmlands and forests. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Wilton, Representative Black.

Representative **BLACK**: Thank you, Madam Speaker, Men and Women of the House. I am happy to have the opportunity to co-sponsor this Joint Resolution that highlights the importance of agriculture in Maine.

Farming has always played an important role to both our culture and our economy. As the Resolution highlights, Maine farmers provide more than \$764 million through the sale of farm products, and contribute more than \$2 billion annually to the state's economy. But farmers aren't just an economic driver for this state. They are also the stewards of nearly 1.5 million acres of land in this state, driving the economy of rural Maine from York County to Aroostook County and preserving Maine's open space and heritage. Our farmers give us a lot to brag about in this state, and I am proud to be one myself. Thank you, Madam.

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

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### SPECIAL SENTIMENT CALENDAR

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

#### Recognizing:

Brian Beaulieu, of Lewiston, who has been named the Maine Youth of the Year 2018 by the Boys and Girls Clubs of Southern Maine Auburn/Lewiston Clubhouse. We extend to Brian our congratulations and best wishes;

(HLS 1125)

Presented by Representative **HANDY** of Lewiston.  
Cosponsored by Senator **LIBBY** of Androscoggin, Representative **FULLER** of Lewiston, Representative **GOLDEN** of Lewiston, Representative **BROOKS** of Lewiston.

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

#### READ.

On motion of Representative **HANDY** of Lewiston, this Expression of Legislative Sentiment and all accompanying papers were **INDEFINITELY POSTPONED**.

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#### Recognizing:

the Oak Hill High School drama club Little Theatre in the Woods, of Wales, which won first place in the Regional Class B One-Act Festival. Members of the cast include Hailey Bean, Duncan Bisson, Jared Chase, Emma Curtis, Casey Daigle, Katie Daigle, Michaela Gervais, James Greenwood, Izik Juray, Heaven Martin, Nik Peterson, Susan Stinson and Jeremy Thibodeau; members of the crew include Saraphin Bechard, Michaela Henry, Tabitha Hustus, Kaelyn Jipson, Arianna Johnson, Linus Obenhaus, Naomi Obenhaus and Emma Therrien; and the directors and advisors include Lucy Rioux, David Maher, Lyn Swan and Laura Marquis. We extend to all the members of the club our congratulations and best wishes;

(HLS 1134)

Presented by Representative **ACKLEY** of Monmouth.  
Cosponsored by Senator **MASON** of Androscoggin, Representative **FULLER** of Lewiston.

On **OBJECTION** of Representative **ACKLEY** of Monmouth, 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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#### Recognizing:

the Monmouth Academy Academic Decathlon Team, of Monmouth, which won the State Championship. Members of the team include Dylan Goff, who won 2 gold medals and 3 silver medals; Rhayna Poulin, who won 2 silver medals; Kaitlin Hunt; Christopher Dumont, who won 4 silver medals; Natalie Grandahl, who won a gold medal and a silver medal; Edmund Zuis, who won a silver medal; Jaryd Bates, who won 7 gold medals and 2 silver medals; Gerard Boulet, who won a gold medal and 4 silver medals; Amber Currie, who won 2 silver medals; Alicen Burnham; Jessica Clavet; Jocelyn Coffin; Joseph Crocker; Chloe Dwinall; Kyle Gunnells; Evan Hasenfus; Campbell Houston; Delaney Houston; Delaney Willey; Leonardo Wilson; Michael Dolan; Hayden Luce; Grace Vierling; and Taylor Whalen. The team is coached by Cathy Foyt and Scott Foyt. We extend to all the members of the team our congratulations and best wishes;

(HLS 1135)

Presented by Representative **ACKLEY** of Monmouth.  
Cosponsored by Senator **BELLOWS** of Kennebec, Representative **HICKMAN** of Winthrop.

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

#### READ.

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

Representative **ACKLEY**: Thank you, Madam Speaker. Madam Speaker, Friends of the House, I bring good news and bad news from the Town of Monmouth.

You might have heard me say that before; yeah, it's déjà vu all over again. First the good news, Madam Speaker. We are joined today by the daughters and sons of Monmouth. We're joined by two state championship teams and their coaches that won victories on the same day: the Monmouth Academy Class C girls basketball champions, for the second year running, and the Monmouth Academy Academic Decathlon state champions.

Madam Speaker, both of these teams represent excellence in achievement in our public school system, because neither athletic nor academic excellence happens overnight. It takes the support of an entire community; faculty, students, parents, for generations to foster the desire for excellence that these championships represent. It is also important to note, Madam Speaker, that we are joined by Coach Scott Foyt. Mr. Foyt is my high school teacher, who first guided me in the art of public speaking.

The other good news, Madam Speaker, is that I was unable to find the Good Representative from Scarborough, Representative Vachon, and the Good Representative from Houlton, Representative Sherman, prior to these competitions, and so I am happy to report, Madam Speaker, that there were no violations of the House Rules that might've occurred due to any unofficial wagering on the House Floor. That's good news.

Madam Speaker, the bad news, however, comes from a certain member of the other body who is Houlton's senator. I was, in fact, able to find him, out in the hallway, of course, the day before the big game. He's an honorable man. He'll be buying me lunch today.

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

**Recognizing:**

the Monmouth Academy Girls Varsity Basketball Team, of Monmouth, which won the Class C State Championship. This is the second time in two years the team has won the championship. Members of the team include Tia Day, Emma Vierling, Hannah Anderson, Abbey Allen, Haylee Langlois, Julia Johnson, Abby Ferland, Kaeti Butterfield, Destiny Clough, Kayla Brooks, Jordyn Gowell, Katie Harris, Audrey Fletcher and Libby Clement; assistant coaches Dennis Grover, Ray Convery and Ed Spencer; and head coach Scott Wing. We extend to all the members of the team our congratulations and best wishes;

(HLS 1136)

Presented by Representative ACKLEY of Monmouth. Cosponsored by Senator BELLOWS of Kennebec, Representative HICKMAN of Winthrop.

On **OBJECTION** of Representative ACKLEY of Monmouth, was **REMOVED** from the Special Sentiment Calendar. **READ** and **PASSED** and sent for concurrence.

**Recognizing:**

Jacob Dubay, of Old Town, a senior at Old Town High School and a player on the Old Town-Orono Class B State Championship Boys Hockey Team, who was named the Player of the Year in Class B North Hockey. We extend to Jacob our congratulations and best wishes;

(HLS 1137)

Presented by Representative DUNPHY of Old Town. Cosponsored by Senator DILL of Penobscot, Representative TIPPING of Orono.

On **OBJECTION** of Representative DUNPHY of Old Town, was **REMOVED** from the Special Sentiment Calendar. **READ** and **PASSED** and sent for concurrence.

**Recognizing:**

the Old Town-Orono Boys Hockey Team, of Old Town and Orono, which won the Class B State Championship. We extend to all the members of the team our congratulations and best wishes;

(HLS 1138)

Presented by Representative TIPPING of Orono. Cosponsored by Senator DILL of Penobscot, Representative DUNPHY of Old Town, Representative FREY of Bangor.

On **OBJECTION** of Representative TIPPING of Orono, was **REMOVED** from the Special Sentiment Calendar. **READ.**

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

Representative **TIPPING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I realize I have six sentiments on the calendar. I will only be speaking to one of them. But I do want to recognize two different teams that are in the gallery above us. First, the Orono High School Girls Nordic Ski Team, rightly recognized as champions this year. I'm proud to have them in the building. I believe we have half the team in the building today. On the other hand, we have, I think, the entire, if not almost the entire, joint Old Town-Orono Hockey team with us today.

It's a bit of an oddity, recognizing a joint high school team, especially one between Orono and Old Town, for someone who graduated Orono High School in 2004. We used to have

squad cars in the parking lot whenever we had basketball games with Old Town. The *Bangor Daily* described our relationship as "arch rivals." But, this is also a story, I think people in this chamber can learn from. A few years ago, five and a half years ago, when it looked like Orono would not be able to fully put an ice hockey team out, our athletic director talked to the athletic director from Old Town High School and worked out a joint team. Within five years, I'm proud to say that team is joining us today as state champions. I hope that they can be a leadership example to follow for this chamber and for the work we have in the next few days, as two very competitive groups coming together to make their communities proud. So, with that, thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunphy.

Representative **DUNPHY**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, it's an honor to acknowledge the phenomenal accomplishments of the Old Town-Orono Black Bear hockey team.

As you just heard, this team is made up of students from both Old Town and Orono High School, and until five years ago we were fierce rivals. This is the first co-op team to win a state championship, and I feel it's an excellent example of how a little cooperation amongst rivals can produce very impressive results.

Appropriately, team captains were seniors Jacob Dubay of Old Town High School and Ben Allan-Rahill of Orono High School. It's no surprise to us that both were also named to all-conference teams. Team captain Jacob Dubay is a senior forward and was nominated by the coaches in Class B as the player of the year in Class B North. Jake was named to all-conference first team, dominated the season with 52 points, 22 goals and 30 assists, including two crucial assists in the state championship game. He was the player that was frequently double-teamed. But that's not all. I learned this morning that Jacob also plays for the Maine Moose Hockey Association, and as a result of that team winning the states, he earned a bid to the nationals. Just yesterday, Jacob was playing in Green Bay, Wisconsin, on the national team, and they won 4-2.

I'd like to say congratulations to Jake on being player of the year and proudly representing Old Town and Orono. Jake and the team had a storybook season with a record of 20 and 1, and from beginning of this season it was clear they were the premier hockey team in Class B North. The state championship game was a nail-biter against Greely and produced a 3-2 win. Congratulations to this amazing team and coaches Denis Collins, Lucas Shorette, Cory Thibodeau, and Chris Thurlow. Thank you.

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

**Recognizing:**

the Orono High School Girls Nordic Ski Team, of Orono, which won the Class C State Championship. We extend to all the members of the team our congratulations and best wishes;

(HLS 1139)

Presented by Representative TIPPING of Orono. Cosponsored by Senator DILL of Penobscot, Representative FREY of Bangor.

On **OBJECTION** of Representative TIPPING of Orono, was **REMOVED** from the Special Sentiment Calendar. **READ** and **PASSED** and sent for concurrence.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunphy.

Representative **DUNPHY**: Thank you, Madam Speaker. I request permission 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 **DUNPHY**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I'd like to take a moment and tell you about Old Town's state championship Division 3 Jazz Ensemble, led by band director Jeff Priest. Not only are these kids division 3 state championship, but this band is the only band north of Westbrook to receive gold status and a nearly perfect score, and they did it twice. They did it two years in a row. One judge even gave them a perfect score. It's simply amazing.

As if that wasn't enough, band members Dee Porter, Adam Regan, and Ella McPhee all earned outstanding solo performance awards. In the world of jazz competition, this is an accomplishment of epic proportion. I've been lucky enough to see these kids perform and progress since fourth grade, and its been an honor to host them here today.

In Old Town, our music program is a huge source of community pride and no event would be the same without Mr. Priest and the band, and I would personally like to say congratulations to them and thank you.

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

Representative **HIGGINS**: Thank you, Madam Speaker. I ask permission to speak on the record.

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

Representative **HIGGINS**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. Last week it became clear that I'd been around for a while, speaking about the over-70 caucus. Today, I'm going to admit it even further. When I was a young teacher, I had the pleasure of having Jeff Priest, the director of music at Old Town High School, as one of my former students.

Over the years, I must admit and share with Representative Dunphy, that I tried when I was a school administrator repeatedly to recruit him back to his home town and his home school district. I tried everything from guilt to bribery; none of which worked. And, I think you understand why I would want to do that. He is such a fine young man, except maybe not quite as young as he used to be, but he's an excellent teacher, recognized by his peers, by his students, and by his community. So, speaking on behalf of his hometown, congratulations and we're very proud of you. Thank you.

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**Recognizing:**

J.J. Astumian, of Orono, who finished in first place at the 2018 Maine State Scholastic Individual Chess Championships. We congratulate J.J. on his achievement and send him our best wishes;

(HLS 1140)

Presented by Representative TIPPING of Orono.  
Cosponsored by Senator DILL of Penobscot, Representative FREY of Bangor.

On **OBJECTION** of Representative TIPPING of Orono, was **REMOVED** from the Special Sentiment Calendar.  
**READ** and **PASSED** and sent for concurrence.

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**Recognizing:**

Ben Amar, of Orono, who tied for second place at the 2018 Maine State Scholastic Individual Chess Championships. We congratulate Ben on his achievement and send him our best wishes;

(HLS 1141)

Presented by Representative TIPPING of Orono.  
Cosponsored by Senator DILL of Penobscot, Representative FREY of Bangor.

On **OBJECTION** of Representative TIPPING of Orono, was **REMOVED** from the Special Sentiment Calendar.  
**READ** and **PASSED** and sent for concurrence.

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**Recognizing:**

the Orono High School Show Choir, of Orono, which won the 2018 Division 2 State Championship. We extend to all the members of the choir our congratulations and best wishes;

(HLS 1142)

Presented by Representative TIPPING of Orono.  
Cosponsored by Senator DILL of Penobscot, Representative FREY of Bangor.

On **OBJECTION** of Representative TIPPING of Orono, was **REMOVED** from the Special Sentiment Calendar.  
**READ** and **PASSED** and sent for concurrence.

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

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

**UNFINISHED BUSINESS**

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

Expression of Legislative Sentiment Recognizing Belfast Area High School 4x800 Meter Relay Team

(HLS 1045)

TABLED - April 2, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **PASSAGE**.

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

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Expression of Legislative Sentiment Recognizing Belfast Area High School 4x200 Meter Relay Team

(HLS 1046)

TABLED - April 2, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **PASSAGE**.

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

Expression of Legislative Sentiment Recognizing Jack Hansen, of Northport

(HLS 1047)

TABLED - April 2, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **PASSAGE.**

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

Expression of Legislative Sentiment Recognizing Junne Robertson-McIntire, of Belfast

(HLS 1048)

TABLED - April 2, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **PASSAGE.**

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

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

Representative **HERBIG**: Thank you, Madam Speaker, Women and Men of the House. As a former track athlete, I know the tireless dedication and hard work it takes to succeed in this sport. But, let me tell you, Junne Robertson-McIntire, Emily Jolliffe, Mackenzie Banks, and Kelsey Mehuren can run fast, Madam Speaker; really fast. And Zoe Deans and Hannah Sanderson along with Emily and Kelsea can run really fast for a long time. And I'm confident no one in this room has ever jumped or vaulted as far or as high as Jack Hansen. All of these were obvious as Junne, Emily, Mackenzie, Kelsey, Hannah, Zoe, and Jack were top finishers in the Class B indoor state track championships at Bates College in February. These talented student athletes more than proved their ability and talent with incredible performances in their individual events, setting many school records for Belfast and making us all so proud.

Junne wrapped up the day with two state crowns, the first in the 55-meter with a time of 7.43 seconds, setting a new school record. Junne also anchored the fourth and final leg of a 4x200 meter relay team along with Emily, Mackenzie, and Kelsey, to place first in Class B. Junne actually passed three competitors to help the Lions win by less than half a second, while also setting a new school record time of 1 minutes and 51.83 seconds. How incredible is that?

Junne finished second in the 200 meters, as did the Lions 4x800 meter relay team, comprised of Emily, Kelsey, Zoe, and Hannah. The 4x800 meter relay team also set a new school record in a time of 10 minutes and 19.38 seconds. Jack placed second in both the pole vault with a height of 11 feet 6 inches and long jump with a distance of 20 feet 7.5 inches and set a new school record.

Because of their exceptional performances, these student athletes qualified for the New England Championships to represent Maine in Roxbury, Massachusetts in March. Junne placed 15th in the 200 meters, the Belfast 4x200 meter relay placed 19th and broke another school record with a time of 1 minute and 51.29 seconds. The Belfast 4x800 meter relay placed 20th and Jack placed 21st in the long jump.

Madam Speaker, I would be remiss if I did not mention that all of these athletes represent their high school not just in indoor track but excel in other sports as well. Junne is also a top player on the basketball and soccer teams at Belfast. Jack

uses his agility for the Belfast football team. I've had the pleasure of watching Mackenzie, Kelsey, and Hannah on the Belfast field hockey team for the past several years and I've actually had the honor of logging a few miles on the pavement in Belfast with Emily and Zoe as their coach in cross country.

Madam Speaker, I am really most proud to disclose that all of these students are not just great athletes but also excellent students, many being members of the National Honor Society.

Junne, Emily, Mackenzie, Kelsey, Zoe, Hannah, and Jack, Waldo County is so incredibly proud of each and every one of you. Congratulations on your success and best of luck in your outdoor track season. Go Lions.

Expression of Legislative Sentiment in Memory of the Honorable Jean Dellert, of Gardiner

(HLS 1108))

TABLED - April 10, 2018 (Till Later Today) by Representative GRANT of Gardiner.

PENDING - **ADOPTION.**

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Recently Gardiner lost a respected and dear member of our community, and we in the House also mourn her as one of our own, as a former member of this body.

Jean Dellert died last month at the age of 98, leaving behind three adult children and their families and scores of friends whose lives she graced. In addition to the information contained in the legislative sentiment, I would like to add a few personal remembrances of Jean.

Jean Dellert was the first woman to represent Gardiner here in the Maine House, serving from 1985 to 1990. I would add that I am only the third. Her late husband, David, also served a term here. They were a team in so much of their work, and both were known for their dedication to community service, especially as strong advocates for children and youth. They were both deeply involved in the youth camp movement. But what I will always remember about Jean is her kindness, her wisdom, and her dedication to our local Boys and Girls Club. She served on the board, and the café and multipurpose room of the Gardiner Club is named for her. She came to every event she could, and always had a smile and a kind word for club members and their families and the club staff. I thought it especially fitting that we honor Jean Dellert today, when we have with us members of Boys and Girls Clubs from across the state, gathered here for their Youth of the Year activities.

Last year, fearing that Jean might not have many more birthdays to celebrate with us, Ingrid Stansfield, Chief Executive Officer of the Boys and Girls Clubs of Kennebec Valley, along with Jean's family and friends, hosted a birthday party for her at the Gardiner Club. We all celebrated her many positive impacts on our community and our state. Being a humble person, Jean was slightly overwhelmed. It was a wonderful party and I am glad she lived to hear for herself the kind of testimonials we now enter into Maine history with this memorial sentiment today. Jean Dellert was one of the best advocates for children and youth I have ever known. Jean was a true public servant, and I respected and admired her greatly. She is already deeply missed. Thank you, Madam Speaker and Ladies and Gentlemen of the House.

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

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

Representative **KORNFIELD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would like to introduce to you Dr. Joan Ferrini-Mundy, who will be University of Maine's 21st president and the president of its regional campus in Machias. She presently is the Chief Operating Officer for the \$7.8 billion National Science Foundation. She is a national leader in STEM education research and policy. She has co-led the effort across more than a dozen agencies to ensure federal investment in STEM education. Given Maine's need to continue to strengthen the STEM skills of our students and grow the STEM workforce pipeline, Joan's experience will be especially important and will also help further UMaine's educational and research capacity in support of the state's workforce, economic and community development needs.

I am confident she will be a particularly valuable resource to the Legislature, as she has extensive experience in K-12 education and higher education STEM policy, testifying before Congress, and also served on mathematics advisory councils for Former President Bush, and has worked closely with the administrations of presidents Obama and Trump. She is accompanied by our chancellor, Jim Page.

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

**REPORTS OF COMMITTEE**  
**Divided Reports**

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Create Fairness in Maine's Unemployment Insurance System by Increasing the Amount Paid in Unemployment Tax by Certain Employers"

(H.P. 1319) (L.D. 1887)

Signed:

Senators:

VOLK of Cumberland  
BELLOWS of Kennebec  
LANGLEY of Hancock

Representatives:

FECTEAU of Biddeford  
AUSTIN of Gray  
DOORE of Augusta  
HANDY of Lewiston  
LOCKMAN of Amherst  
MASTRACCIO of Sanford  
STETKIS of Canaan  
SYLVESTER of Portland  
VACHON of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-742)** on same Bill.

Signed:

Representative:

BATES of Westbrook

**READ.**

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

Seven Members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-745)** on Bill "An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy"

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

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

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

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-746)** on same Bill.

Signed:

Senators:

VOLK of Cumberland  
LANGLEY of Hancock

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-747)** on same Bill.

Signed:

Representatives:

AUSTIN of Gray  
VACHON of Scarborough

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

Signed:

Representatives:

LOCKMAN of Amherst  
STETKIS of Canaan

**READ.**

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

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 Biddeford, Representative Fecteau.

Representative **FECTEAU**: Madam Speaker, Ladies and Gentlemen of the House --

The SPEAKER: The Representative will defer. The Representative may proceed.

Representative **FECTEAU**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I could not rise in support of the pending motion this afternoon without sharing a story about why prohibiting the harmful practice of conversion therapy matters to me, and why it should matter to you as well.



Around 10 p.m. on a humid day in 2012, a young man stands pacing his bedroom. His nerves are rattled. Have you ever had that feeling where you knew the only way to resolve something was to say it aloud? Your deepest fear, however, was the unknown. How will they react? Rejection, outrage, acceptance, love? You run the scenarios through your head a million times, with each prompting a reaction worse than the one before. That's his feeling. Finally, the young man sets down his phone, where he had drafted what to say, as if what he had to say required a thesis and supporting arguments. He takes a deep breath in, opens his bedroom door, and slowly heads upstairs to his parents' room while praying to his deceased grandfather, "Please, please, let this be good," he whispers. He walks up to his mom, who is awake watching some late-night television, and says, "Mom, I need to tell you something." "What's the matter?" she responds. "I'm gay," he replies, his voice cracking. His mom begins to cry, but it's not in outrage or disappointment. She embraces him for what seems like an eternity and repeatedly affirms, "I love you no matter what." Three years of hiding his innate being from the person that knew him from bottles and diapers was no more.

Just before the summer began, he had experienced a troubling encounter at his university. He was the leader of the Lesbian, Gay, Bisexual, Transgender, Queer student organization and the newly elected president of the student body. Not everyone in the university's administration favored the existence of an LGBTQ student organization on campus. He respected those opinions but always felt the best way to generate common understanding was to sit down at the same table and talk. So, this 19-year-old student met with one administrator in particular on a handful of occasions. Despite differences of opinion, he came to trust him, to look up to him. The conversations were eclectic, not always focused on the LGBT group. The administrator possessed the capacity of heroism much like our physicians, psychiatrists, counselors, nurses; to be trusted with one's life. The student trusted him with his best interests and the interests of his peers on campus. As the semester wound down, the student met with the administrator once more, and the tone shifted dramatically. "Suicide affects everyone, not just LGBTQ people," the administrator declared, as though the campus group's argument that administrators should support its existence to help combat the high rates of rejection-fueled suicide in the LGBT community was denied. He abruptly continued, "One day I hope you'll see beyond your gay identity and take in what life has to offer you." The student was stunned into silence. The administrator added, "I recommend you read *Beyond Gay* by David Morrison." The student left the meeting, sprinted across campus to his friends, and together they Google searched the book. The description was a gut-punch. His confidence in this administrator evaporated and was replaced by feelings of fear and self-loathing. The recommended book encouraged reparative therapy, otherwise known as so-called conversion therapy.

The student wrote in an email to a friend, "I spent the next night crying. I'm not one to shed tears often, let alone cry hysterically, yet on this night, the night before returning home for summer break, I cried hysterically into the arms of my friends." He returned to the university in the fall and continued to lead the LGBT organization. He carried that weight of that earlier meeting and struggled with mental exhaustion. Winter break arrived and his dad came to pick him up. Looking out the window as trees flew by on the highway he, for the first time in his life, contemplated his continued existence. He had this internal discussion, almost as if there were two voices

concerning whether or not he ought to be alive. That drive home up the east coast had never been longer. It tormented him for the duration of winter break. This openly gay man, who was finding his way in life and who had found the guts to come out to his parents and the confidence to lead an LGBT student organization, become student body president, work as paid staff on a marriage equality campaign, could not take the self-hatred, unworthiness, and haunting message that he was broken after his trusted university administrator told him, in essence, to seek reparative therapy, to be beyond gay, that he needed to be fixed.

Madam Speaker, all members of this House, I know this story well, because that young man was me. This is my story. It's a story I've spent a long time denying. There is nothing more painstaking than to admit that you've contemplated suicide. It's something I've only said aloud a few times. Each time I do, I know that somewhere in this world I've helped empower someone else to be true to themselves, to overcome fear or self-loathing. I'm so lucky and grateful to have persevered with the help of so many loving friends and family members in my life. I'm so thankful to be here today, as a state legislator in this chamber, to ask you to stand with me. I know there are young people who are far more vulnerable than I was back then. I want to protect them from the harm that could come from a trusted professional telling them, one way or another, that they are broken, that the core truth of who they are is wrong and even disgusting, and know you do, too.

Without a doubt, there are children whose lives would be taken from us at the very suggestion of needing to be fixed or needing to be beyond gay. Whether physical tactics or psychological therapies that wage futile efforts to change someone's sexual orientation, pinning sexual orientation to a trauma in one's life, the so-called therapy is harmful, and at worst, deadly. Conversion therapy has been condemned by the American Academy of Nursing, American Academy of Pediatrics, American Academy of Physical Assistance, American Association of Marriage and Family Therapy, American Association of School Administrators, American Counseling Association, American Medical Association, American Psychiatric Association, American Psychoanalytic Association, American Psychological Association, American School Counselors Administration, American School Health Association, and the National Association of Social Workers, to name a few.

These organizations condemn the practice on the premise that it has, time and time again, been proven to cause tremendous physical and psychological harm to children, and fails to achieve its goal of, "changing a person's sexual orientation or gender identity."

Let me be clear about what LD 912 is and what LD 912 is not. If passed, it would prohibit licensed professionals from deploying harmful conversion therapy methodology. These are the people that our state requires to obtain certain education, credentials, log clinical hours, pass exams, and apply for a license. Professional licenses are not provided to anyone and everyone, and just as one can receive a license, they can have it revoked. A licensed counselor has a right to free speech under the First Amendment, but he or she does not have a right to say whatever he or she pleases to a client without consequence from the licensing board, should those words conflict with a code of ethics or the law.

Patients expect that when the state licenses a practitioner, that the person will act ethically and deploy methodologies deemed effective and safe. We all expect that, Madam Speaker.

LD 912 would also define advertisement promoting the effectiveness of conversion therapy as deceptive. If LD 912 is passed, it would still allow a religious institution to hire clergy or other personnel who wish to administer counseling according to their beliefs. The report includes an explicit exception for clergy, thus respecting religious freedom; the key distinction being the person does not hold a state-issued professional license, thus the state is not condoning the chosen religious practices. Secondly, this law does not prohibit the practice of professionally accepted therapies such as talk therapy that helps an individual cope with or understand who they are; gay, straight, bisexual, you name it. Finally, it does not apply to any adult age 18 or older. It is patently false that if LD 912 passed therapists would no longer be able to treat victims of sexual abuse. I've heard it so many times since the public hearing from opponents of this bill that I must pause to be perfectly clear, Madam Speaker.

The opposition has conflated being gay with being a victim of sexual abuse. It is, first and foremost, absolutely not the case that people become gay as a result of sexual abuse. Secondly, there is not a single state where this prohibition has passed, and as a result, victims of sexual abuse could no longer find practitioners to treat them.

Finally, if you ask any practitioner, as I have, each one will tell you that trying to fix someone's innate sexual orientation instead of providing therapeutic interventions related to sexual abuse would be immensely harmful to any person in such a situation. Therapists treat trauma, they do not treat sexual orientations. Furthermore, it is patently false that a young boy who liked a lot of girls and wanted to have sexual relations with many of them could not receive counseling but a young gay boy with the same hypersexual impulses would not be able to receive counseling. It is patently false that a Christian counselor, for example, could not speak to the teachings of the Bible or recommend celibacy to a client. It is worth noting that the American Association of Christian Counselors, AACC, some of which who testified against this bill associate with, removed conversion therapy as an accepted practice in its code of ethics in 2014. The 50,000-person organization added this new language: "Counselors acknowledge the client's fundamental right to self-determination and further understand that deeply held religious values and beliefs may conflict with same-sex attraction and/or behavior resulting in anxiety, depression, stress, and inner turmoil."

The AACC is right, Madam Speaker. People have a right to self-determination. Another person -- no counselor, no mom or dad, no aunt or uncle, no one can predetermine another person's sexual orientation. The only person who can come to an understanding of who they are is the individual on their own. The World Psychiatric Association speaks concisely to this. They say, "there is no sound scientific evidence that innate sexual orientation can be changed. Furthermore, so-called treatments of homosexuality can create a setting in which prejudice and discrimination flourish and they can be potentially harmful. The provision of any intervention purporting to treat something that is not a disorder is wholly unethical. It is clear that reparative therapy perceives LGBTQ people as disordered. It is a practice founded on the notion of repairing someone even though they are not broken."

Madam Speaker, colleagues, professionals licensed in Maine are heroes and heroines to their clients, and that is even more true with youth. The state should not grant licenses to those who join these heroic professions and abuse their responsibility and freedoms by damaging vulnerable young people through practices considered bunk by leading health

organizations. Our heroes should not become our victimizers. Let's pass this law, and join four Republican governors, soon to be five with Governor Hogan in Maryland, who have signed such prohibitions into law in their respective states, and become the 12th state overall. Perhaps Governor Chris Christie said it best; "The American Psychological Association has found that efforts to change sexual orientation can pose critical health risks, including but not limited to depression, substance abuse, social withdrawal, decreased self-esteem, and suicidal thoughts. I believe that exposing children to these health risks without clear evidence of the benefits that outweigh these risks is not appropriate."

In 2012, somebody who could have been my hero was instead my victimizer. He exercised his freedom but mismanaged his responsibility. His comments left me with a psychological burden which, in turn, posed one of the critical health risks that Governor Chris Christie cited when he signed New Jersey's prohibition into law.

Let me be clear: there is indeed a difference between talk therapy that is neutral, helping someone sort out the complexities of sexual orientation and gender identity, versus talk therapy intended to change someone based on the assertion that something is wrong with them. The latter is not therapy; it's abuse. I brushed up with this so-called talk and it paralyzed my emotional health. I could not imagine what might have happened to me if I experienced this so-called therapy at a medical professional's office over many weeks and many months. The Legislature has a responsibility to protect young people who are especially vulnerable from these medically condemned practices. The Legislature must mitigate exposing children to this harm, to this hurt, and to this rejection of their innate genuine selves. Let's pass LD 912 today. Let's show our nation that Maine is a leader when it comes to protecting LGBTQ youth from practices deemed harmful by medical professionals. Madam Speaker, Colleagues of the House, stand with me on this.

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

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

This far-reaching bill assumes that all sexual attractions are fixed and cannot change, when, in fact, it is both common and natural for young people to have changing sexual attractions, and in some cases, a person may see a same-sex attraction confusing and perhaps undesirable.

Young people grappling with sexual attraction often find broaching the topic difficult. In the testimony we heard, all who testified stated that speaking to their parents, and how their parents may respond, was one of their greatest fears. A parent's response, naturally, is to protect and care for their child. The ability of a parent to have their child speak to a licensed professional about this is a natural course, and this willingness to speak to a licensed professional needs to be protected.

This bill would make it not possible to permit any therapy addressing gender identity and same-sex attraction, and even known and identified undesirable same-sex attraction. A parent who seeks help for their child would be breaking the law. A licensed professional providing talk therapy is in jeopardy of losing their license. In Maine, there are no documented cases of forced and coerced treatment in the state, and the Legislature already has a process in place to address harmful practice and clinical malpractice through the

appointed licensed mental health professionals on the state licensing board.

Everyone should have the basic right to choose a direction for their life, and the ability to parent a child should not be denied. I urge everyone to vote no. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise to speak with concerns regarding LD 912, the Conversion Therapy Bill. As a member of the LCRED Committee, I heard testimony and much discussion on this topic. During the work session, we heard that there has never been a case, which you have previously just heard, which does not mean that you do not take that with great seriousness. Regardless, that is why we have valued the fears that this bill suggested. Due to that, we attempted on several occasions during the process to work with the good bill sponsor, Representative Fecteau, and proponents to produce legislation that we felt our entire Committee could support.

Those collaborative suggestions were politely discouraged. Madam Speaker, please note that there is another piece of language that I do support that actually defines conversion therapy and makes it --

The SPEAKER: The Representative will defer. The Chair will remind the Representative that the motion before the House is Ought to Pass on Report A and that we may only be discussing Report A. The Representative may proceed.

Representative **AUSTIN**: That's all I will do, Madam. Thank you. The bill which is before you now actually allows some people to actually use conversion therapy. In the public hearing, the proponents did a good job of blending conversion therapy and other forms of therapy, such as talk therapy, which encouraged that all or some therapies are bad and that they equate to conversion therapy. We do not feel that that is the case. A question that should trouble you, Madam Speaker, as well as all my colleagues, is why this bill would allow heterosexual children the right to seek therapies that they may desire, while children who may be homosexual would be denied the right to talk about their sexual feelings with a licensed trained professional. I'm not sure why one group of our minors can utilize a choice and another cannot. Passing the amended version of this bill, I present to you, could actually jeopardize the LGBT children and youth by presenting a challenge in finding counseling.

Why would that be? Licensed counselors could reasonably fear breaking this finite law if working in a therapist-patient relationship with a homosexual child and either losing their license credentials or, worse yet, possibly facing litigation. Madam Speaker, there are a good many decisions that are made in these chambers and halls that cause me to pause and feel anxious. At the end of those days, though, I set it to prayer for the best of all possible outcomes regardless. However, in this legislation, there is one right that I believe is worth championing for our families and for our society, and that is the right of the Maine parents. This legislation would take away rights from parents who should be the decision-makers in terms of their children and families' health and well-being. Parents have a constitutional right and responsibility to direct the upbringing of the children they bear. The US Supreme Court has affirmed this right and repeatedly upheld the fundamental rights of the parent-child relationship. The Supreme Court has declared freedom of personal choice in

matters of marriage and family life is one of the liberties protected by the due process clause of the 14th Amendment.

Young people today are bombarded by unhealthy messages about sexuality and gender that are contrary to common sense and truth. In fact, some of the most frequently heard claims about sexual orientation and gender are not supported by scientific fact-based evidence. If a young person is asking questions about their sexuality or gender, outlawing a form of talk therapy helps no one. Preventing parents from pursuing therapy for their child imposes the government into the most personal family matters, while also placing the state between mental health professionals and their patients, in the role of a child's mom and dad to direct the child's education and upbringing. Shouldn't this include the child's critical understanding and perception of the most sensitive issues of their very being: their sexual orientation and gender identity?

We're profoundly interested in protecting our youth by outlawing therapy that harms the right of parents to care for their children, violates the free speech right of mental health professionals to nurture children and families, continued engagement in court decisions around their health and growth as the foundation of our strong communities. For these reasons and for the concerns that I have shared, I will not be able to support the present language. Thank you, Madam Speaker.

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

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

This bill is wrong in so many ways it is almost hard to put into words, but I'll try. We in this chamber, as a rule, don't take freedoms and rights away from the people we represent, and this bill would do just that. It would take away the right to speak. It would take away the right to hear someone speak. It would take away the right to choose, to choose where you want to go, what you want to hear. It would take away a right to associate. This bill seeks to limit these things. Actually, it doesn't; it forbids them. Let me explain. If I had a child who was having some problems with sexual identity or whatever, whatever the issue might be, and I wished to find a counselor who is gay-friendly and LGBT-friendly, I'm sure with very little research I could find such a counselor. However, if I wanted to find a counselor that had an understanding of my world view, I would not be allowed that choice under this legislation. My wife and I would be forbidden to take our child to someone. What is my world view? Well, I'm a Catholic, I believe what the church teaches, that God made us in his image and likeness, a man and a woman, we have a purpose and a reason for our existence. I believe in science and biology as well. I believe that a man born a man will always be a man, and the same with a woman, she will always be a woman. These are just facts of nature. They Y and the X chromosome determine these things.

Now, I believe these things to be true, and I would want my child to be treated by someone who had the same understanding of our natural world. This law would take that freedom away.

Can you imagine if a bill was introduced to stop positive talk about gay and LGBT lifestyles and/or feelings? People would be outraged. I would be outraged. Madam Speaker, just because you don't agree with someone's speech or beliefs doesn't give you the right to silence them. I think there are enough examples of that in the world where that just doesn't work. Sadly, that bill doesn't stop there. It goes into the

schools. It mentions school counselors. So, if my child is home and I'm talking to my child and explaining my world view, what we believe, he goes to school and says my dad is telling me this or that. Will I be accused of child abuse? Will the thought police show up at my door?

One thing I haven't heard here today, Madam Speaker, is the word love. I have loved all my children and I always will. So, if I take a child to someone for treatment, it's because I love them, not because I hate them, not because I want them to change into something they're not, but I want to give them every opportunity for treatment. Why would I take a child to a doctor or counselor that by law was restricted to only half treatment? This just doesn't make sense. I ask you, Madam Speaker, to consider all the points I've raised, and I ask this body to follow my vote and defeat this measure. Thank you, Madam Speaker.

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

Representative **MADIGAN**: Thank you, Madam Speaker. I rise in support of this bill. Outside of these four walls, I am a licensed clinical social worker, and my job for over 20 years has been to provide outpatient psychotherapy to children, adults, and families.

I appreciate people's concern about the ability for me to do my job freely outside of here, but let me assure you, this law, this bill, does not impinge on my rights to treat people in outpatient psychotherapy. It does not do that at all. I have to follow the ethics of my profession, the standards set by the licensing board, and those things demand that I do no harm. This bill bans harmful practices. I have treated many teenagers, many adults, who are LGBTQ, some of whom were unhappy with that, some of whom their families were unhappy with that, some of whom were unhappy with that because it conflicted with their religious faith. Asking someone about their religious faith is an absolutely vital part of any intake any licensed professional will do, and being respectful of that is part of our job, because what an incredible resource that is, what an incredible strength that is for people. This bill in no way impinges on any parent's freedom to choose a clinician, a counselor that will be respectful of that, nor does it impinge on my freedom to speak to my clients and their parents and the rest of their families in an open and honest way.

The tenets of my profession say that we have to approach our clients in a nonjudgmental way. I have treated many people whom I didn't agree with on a number of issues. Most of those don't come into the issue of therapy. What often does come in is the pain people have. That's often why people, including teenagers, who have been my primary clients, by the way, for many years, come into therapy. And if I had a client, and I have, be unhappy with the sexual thoughts, feelings, or behavior they were having, talking about what would help is not banned in this bill. Talking about the conflict they're having with their family about that is not banned in this bill. I've worked with many teenagers who are unhappy about their sexual behavior, whose parents are perhaps unhappy with their sexual behavior, and when you work with people like that you should be like wow, you probably shouldn't engage in sexual behavior that's making you upset, whether you're gay, straight, or whatever. It's usually not a good idea.

I am disappointed about the way my profession, the work that my colleagues and I do, has been mischaracterized, because I don't believe that anyone who does what I do for a living sets out to harm anyone, and all this bill does is ban a harmful practice. If parents want to seek someone to help their child, they should do that; and it's not like, you know, when you

buy a car, you don't just go onto the lot and buy the first car you see. Picking out a counselor should be the same way. You should find someone who fits with you, fits with your child, fits with your family, and that's what I always recommend to people, and this bill does nothing to ban parents' ability to do that. In the past few days, I've had a number of conversations with people from all different cultures and religious backgrounds across the state, in my district, because I wanted to let them know, more than anything, this bill does not ban them from continuing to raise their child in the way they want or to care about their child in the way they want, and that absolutely people like the colleagues I work with and the people I was trained with would absolutely want to do something that fits with their family, but we would never do harm, and that's what this bill bans. Thank you very much.

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

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I also rise to tell you that I'm confused by what we are trying to accomplish with this bill. It appears to be a solution searching for a problem. I'm certainly not alone, I don't believe. I have heard people on both sides say they simply wish it would go away. In fact, it's no wonder that almost all of the bill's sponsors have walked away from it.

Is so-called conversion therapy a problem in Maine? It appears not. The complete truth is, there have been no complaints in Maine history concerning conversion therapy. It appears that LD 912 would amount to government regulation of speech based on content, as it prohibits and it even penalizes one point of view over another. If we pass this legislation, what we appear to be doing is endorsing by legislation one discrimination viewpoint over another. As a result, I believe this bill is almost certainly unconstitutional. Under this bill, a youth with unwanted heterosexual feelings would be able to receive help and support, however a child having unwanted same-sex feelings would be denied that same opportunity. Is this fair? Is this right, Madam Speaker? Is this what we want for Maine? LD 912 is a confusing piece of legislation that promotes and endorses discrimination. Please join me in voting against this bill. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Amherst, Representative Lockman.

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

As I listened to the testimony in Committee on LD 912, I was reminded of a short story written by the Danish author, Hans Christian Andersen, first published in 1837. "The Emperor's New Clothes" is the story of a vain emperor who loved wearing fine clothes and spent all of his people's money on them. He had a different set for each hour of the day and was, without doubt, the finest-dressed man in the land. One day the emperor hired weavers who promised him that they will make him the best suit of clothes. The weavers are conmen who convinced the emperor that they are using a fine fabric invisible to anyone who is either unfit for his position or hopelessly stupid. The con lies in that the weavers are actually only pretending to manufacture the clothes. They are making make-believe clothes which they mime. Thus, no one, not even the emperor nor his ministers, can see the alleged clothes, but pretend that they can for fear of appearing unfit to hold their positions, and the emperor does the same. Finally, the weavers report that the suit is finished and they mime dressing the emperor and the emperor marches in procession

before his subjects. The townsfolk uncomfortably go along with the pretense, offering thunderous applause to the now-beaming emperor. None of them are willing to admit that they hadn't seen a thing, for if anyone did then he was either deemed stupid or unfit for the job he held. Then a child in the crowd, too young to understand the desirability of keeping up the pretense, blurts out the emperor is wearing nothing at all, and the cry is taken up by a few others. The emperor realizes the assertion is true but continues the procession.

So, we've come full circle, Madam Speaker, in the 181 years since Hans Christian Anderson wrote "The Emperor's New Clothes." The bill before us today is part of a much larger campaign to shut down reality-based free speech, and not just shut it down, Madam Speaker. The left-wing progressives who are waging war on free speech in America have been so emboldened by their recent successes that they have upped the ante. Now they want to strip dissenters of their ability to make a living --

The SPEAKER: The Representative will defer. So, I neglected, as Chair, to review the rules of decorum in debate before we started this debate today. But, I will remind the Member that you are free to debate the bill before you, that you are free to discuss the merits of the bill, or why you believe the bill is not good for the State of Maine, but you will not impugn the motives of members in this chamber, or of an entire party of which is half of this chamber. The Member may proceed.

Representative **LOCKMAN**: Madam Speaker, I have not impugned anybody's motives.

The SPEAKER: The Representative will defer. The Representative will join me at the Well of the House along with leaders from both sides. The Representative may proceed.

Representative **LOCKMAN**: Thank you, Madam Speaker. The bill before us today mandates that licensed professionals in Maine play let's pretend, much like schoolchildren in California are now being trained to do. As part of transgender instruction at Rockland Academy in Rockland, California, a male kindergartner was reintroduced to his classmates as a girl. Later that morning, a first-grader at the school was sent to the principal's office after she called the student by his given name on the playground, apparently unaware that the 5-year-old had changed his gender identity.

As I listened to the testimony in Committee, I was also reminded of something that author David Horowitz said. For members who are unfamiliar with his life and work, David Horowitz, now in his late-70s, was raised by communist parents. They were both members of the Communist Party USA. In fact, they were Stalinists, and young David followed in their footsteps. He was a Marxist academic and leader of the anti-war, anti-American new left in the 1960s. But by the time he was in his early- to mid-30s, Horowitz had what he called sober second thoughts. He began the intellectual odyssey from Marxism to liberty and American exceptionalism. And, having been born and nurtured in the belly of the beast, Horowitz described how those folks think and how he thought when he was a progressive. He said, "Inside every progressive is a totalitarian screaming to get out." So, I was also reminded by the testimony in Committee of what's going on right now in New York City, Madam Speaker, and I wondered how long it will be before Maine enacts similar policies here in Maine. Individuals living in New York City can choose from a minimum of 31 different gender identities, many of which allow them to fluctuate between some version or combination of male and female identities.

The SPEAKER: The Representative will defer. Is the Representative talking about the bill in front of us? I don't

believe that you are. I think you've gone far afield. This is a final reminder to speak about the bill in front of us, Conversation Therapy, Report A. Would the Representative like to proceed?

Representative **LOCKMAN**: I would, indeed, Madam Speaker.

The SPEAKER: The Representative may proceed. That was the last warning.

Representative **LOCKMAN**: Thank you, Madam Speaker. The bill before us will punish licensed professionals who dissent from the prevailing progressive orthodoxy on the subject of gender identity disorder. Refusal to play let's pretend with patients will become a punishable offense. But, nobody knows exactly where the boundaries are for therapists who will be under the thumb of the thought police and the nanny state enforcers. For example, I'm fairly confident that the following hypothetical conversation between a therapist and a minor child would run afoul of the law, but I don't know. Perhaps the sponsor of the bill can tell us what's legal and what's not if LD 912 is enacted.

Here's the hypothetical. An 8-year-old boy has become convinced that he is a girl trapped in a boy's body. The 8-year-old dresses as a girl and wants to start hormone therapy and eventually undergo sex change surgery. His parents take him to a licensed therapist for treatment. At the first appointment the therapist says to the 8-year-old, "I have helped many kids your age, and if you work with me, I believe I can help you. By the time you're in your mid-20s, chances are you will look back to this time as a time of confusion. Most of the kids I've counseled are glad that they didn't go ahead with hormone treatment and surgery." Would that conversation be legal, Madam Speaker? Some will say yes and some will say no. Madam Speaker, LD 912 has been amended again and again and again, mainly because nobody can say with any certainty what a therapist can say to a minor child without running the risk of tripping over the statutory language in this proposed statute. My position is that it's none of our business here at the State House if Maine parents choose to take their child to a therapist who is brave enough to say that the emperor has no clothes when the emperor parades past as naked as the day he was born. Thank you, Madam Speaker.

The SPEAKER: There are five members in the queue. The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Madam Speaker. As a neurologist, I'm aware of the beauty of the brain, and as it develops it makes a lot of different decisions, and those decisions can work in what we consider concert towards something that we recognize as one way, or it can work in concert and make different decisions, so that sexuality can be a different part of what the external genitalia look like. Those are brain decisions that are made in everyone who develops. But what I wanted to say was that I was thinking that if a patient came into my office and they said to me, "I would really like this therapy, I have this disease and I want this therapy," and I knew that that therapy always led to a bad outcome, always, I would say to the patient -- we would talk about it and I'd ask them why they thought it would, and they would tell me why and I would say, "Yes, but it always comes to a bad outcome, so that's not something that I can do."

That's really what this is. This therapy never leads to a good outcome. So, why should a licensed therapist or a licensed physician be able to do something that always comes to a bad outcome? I would never do it, and if I did it then the licensing board would come to my office and say you did

something that always leads to a bad outcome, why did you do that? And I would be reprimanded. So, this therapy always leads to a bad outcome. I support this bill.

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

Representative **CHACE**: Thank you, Madam Speaker, Men and Women of the House. You know, this is a tough subject, and it's really difficult for me to stand -- as a co-sponsor of the bill, I have to stand, and not in support of the current motion. Rather, I believe that we can find the answer in amendment below. And, to get there, my point is this, and my -- I am so, you know, profoundly moved by the experiences of many friends that I've had in my life, patients, family members. These struggles are terrible, and they are not easily definable, and they're not something that we're going to cure with a tablet. I have seen some horrific things in the pharmacy as a pharmacist. I have seen people put through some chemical treatments for things that would make you fall to your knees. The problem I have is that I believe that we are trying to go too far with this motion. The problem I have is with -- my good friend, Representative Madigan from Winslow, she made the statement, "Not all of our patients agree with our appointments or our statements," and when that's -- when that child or that parent perceives that you did not conduct the outcome that they were expecting, does this bill now have unintended consequences of more severe implications for that therapist or for that physician? And a statement that Representative Hymanson just made is absolutely correct, too. Her statement was that she would be admonished by her licensing board, and that is absolutely correct. There is no medical use in this world for aversion therapy, period. It does not serve any purpose, it does not cure something that needs to be cured, it does not fix anything that folks think it's going to fix. And, because of that reason, my licensing board, her licensing board, Representative Madigan's licensing board, if they are found to be doing something that is against the recommendations of these professional societies, they will be disciplined.

My fear is, this bill further highlights additional license withdrawal, license removal language, that I believe, in the most innocent of situations, where I could picture a 13-year-old girl who's questioning right now... and this is not a made-up situation, and I see the struggles that this child is going through, and this child is very argumentative with her mother, and this child is very argumentative with her therapist, and this child is well aware of saying, "You know what? I don't agree with what you're telling me." I believe we're going a bit too far with this current motion, and with all of the love and respect I have for everybody in this chamber, we are here because we all passionately believe in what we're doing here, and we're all passionately trying to get to the right answer. I think we have unintended consequences if we go too far with this. So, I respectfully request that we do not support this motion so that maybe we can move to further motions below. Thank you, Madam Speaker.

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

Representative **CASÁS**: Thank you, Madam Speaker. I'll be very brief. I respect all the opinions that were given today and I personally have struggled with this topic quite a bit. You could ask Representative Fecteau, we've talked on this extensively, I've talked with the folks from the Christian Civic League, I've talked with a lot of folks about this. It really has been a difficult one for me to try to sort out, both the nuances in law and the concepts in general, and I'm not a big fan of

limiting free speech at all. One of the things I've reflected on, and what I just briefly want to touch on, is we as a society have limited free speech in very specific capacities, yelling fire in a crowded movie theater being one of those examples. And we limit that speech because we don't know that it's going to harm someone, but we have a high likelihood of harming folks when that speech is given. And, as I reflect on this, and I think about these various therapeutic practices, I do believe that some of them have a high probability of being harmful to the individual. So, thank you, Madam Speaker, I appreciate it.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I want to respond to a couple of concerns that I heard.

You know, I heard that young people with unwanted same-sex attraction would be unable to get treatment under this bill and that young people with unwanted opposite sex attraction would be able to get that treatment. That's just untrue. The bill prohibits any practice that seeks to change an individual's sexual orientation. That phrase cuts both ways. So, you could not take your child to a licensed professional and ask them to provide treatment that would turn your child gay, and you could not take them to a licensed professional and ask them to provide treatment that would turn your child straight. That language works for everybody, because it says you can't change sexual orientation.

I've heard concerns about free speech and, you know, we all value free speech, but the state has the right to put conditions on its own licenses. The state already does put lots of conditions on when it will and will not license someone as a doctor, as a nurse, as a psychologist, psychiatrist, counselor, whatever. This would be one more condition. And, so, of course these people would still be able to say whatever they want to say, but the state does not have to condone any kind of particular speech and it does not have to condone treatment that has been proven to cause harm. I heard constitutional concerns about speech, about religious belief. I would say that in other states where this bill has passed, lawsuits have been brought to challenge it, and those lawsuits have failed every single time in multiple federal courts, and if that were to happen here, they would fail in our courts as well.

Those are my responses to the comments, and then I also wrote a speech for the first time ever in my six years in this Chamber. Normally I just get up and talk, but I actually wrote something on this bill, and I'll dive right into that.

Madam Speaker, it has been four years since we have debated anything about gay people in this chamber, and I have to say, it's been really, really nice not to debate gay people in this chamber. It's hard to sit through and listen to, but here we are. Just to reiterate a couple things about this bill, conversion therapy is treatment that attempts to make someone change their sexual orientation or gender identity. It is based on the premise that being gay or lesbian is a defect or disorder that can be treated. All of the scientific studies on this have shown that there is no therapy that can successfully change someone's sexual orientation. It just does not work. But the studies actually show more than it doesn't work. Those studies also show that it actually causes real harm, particularly to minors. Think about a child who is exposed to this so-called treatment. The provider tells them that they are broken, that they should not be gay, and that this therapy can fix them. When the treatment inevitably fails, as it always does, the child then has to wonder what is wrong with them? Why did this therapy not work in turning me straight? This feeling of failure

causes guilt, shame, helplessness and hopelessness, and these studies have shown that all of those things lead to increased risk of depression, drug abuse, dropping out of school, and even suicide. All of these harmful side effects as a result of trying to fix something that is not broken.

I also heard, you know: is this a problem in Maine? The answer to that is yes. At the public hearing we heard from Preble Street. They have two young people in their teen center who have experiences with this. One of them was a victim of human trafficking which, of course, is horrific, we all recognize that, and when this young person was taken to a counselor to deal with the trauma of having been trafficked, the counselor spent all of their time talking about his sexual orientation and not the actual problem.

Another story from Preble Street was of a young person who had gone through conversion therapy here in Maine, and as a result of that had lost all faith in counseling as something that could ever be helpful in their life. They had lots of other problems going on, that's why they ended up at the teen center at Preble Street, and when Preble Street tried to take that young person to a counselor, it took months and months before they were willing to go and even give therapy another try because of how traumatic their first experience was.

We also heard from a licensed marriage and family therapist in Greater Bangor who said that she had gotten requests for conversion therapy and that she has refused to provide it. After she refused to provide it, she was asked for referrals to someone who would provide it, and she refused to provide referrals. So, we do have stories of this happening here in Maine.

Now, I've heard lots of criticism from the other side, you know, folks have mentioned the Christian Civic League, and they've certainly had a lot to say on this. They say that this is an infringement on faith. The Majority Report specifically exempts clergy from this bill. We have no interest in a fight with churches on this and, in fact, the Maine Council of Churches testified in favor of this bill. They've said that this bill interferes with the parental relationship with the child. This bill doesn't get anywhere near parental rights. The only limitation it does put is on state-licensed providers. So, parents can have any conversation that they want with their child about sexual orientation or, of course, any other topic in the world, and so can clergy, but state-licensed providers would not be allowed, under their license, to offer treatment that has been proven not to work.

As I've said, the state already puts lots of conditions on who it will license. This would be just one more of those. They've said this bill goes too far in preventing talk therapy. The Majority Report specifically allows any therapeutic intervention, including talk therapy, provided that it is neutral with regard to sexual orientation. And, at the public hearing, a provider gave a great analogy that I've been using ever since to describe this bill, which was that the provider should approach all clients' issues with neutrality. So, if a client comes and they're unhappy with their career trajectory, the provider should not immediately jump to, "You should quit your job." If a client comes with difficulties in their marriage, a provider should not immediately jump to, "You should get a divorce." And if a client comes with confusion about sexual orientation or sexual attractions, the provider should not immediately jump to, "You should not be gay." In all of these cases, the provider should let the client lead the conversation in terms of exploring identity, exploring thoughts and feelings, exploring confusion, etcetera. It's when the provider comes in

with an agenda that is you should, any of those "you shoulds," that's when we have a problem.

Of all of these scare tactics from opponents of the bill, I'd ask you to consider the source and their history on these issues. When we were trying to pass a bill to prohibit discrimination in employment based on sexual orientation, they said --

The SPEAKER: The Representative will defer. The Chair recognizes the Representative from Newport, Representative Fredette, and inquires as to why he rises.

Representative FREDETTE: Just a Point of Order, Madam Speaker, again in regards to questioning the motives of people who may oppose this.

On POINT OF ORDER, Representative FREDETTE of Newport objected to the comments of Representative MOONEN of Portland because he was questioning the motives of other members of the House.

The SPEAKER: The Chair will remind the Representative to make sure that he stays within the lines and does not question the motives of anybody who is on another report or another side of this bill.

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

The SPEAKER: The Representative may proceed.

Representative MOONEN: Thank you, Madam Speaker. Just, I was -- I appreciate that. I was not questioning the motives of any members. Am I allowed to question the motives of organizations that are not members?

The SPEAKER: The Representative asks a valid question, and I will say, for the purposes of this debate or other debates, it is the motives of members in this body and the questioning of motives or integrity of members in this body which falls outside the rules of decorum. The Representative may proceed.

Representative MOONEN: Thank you, Madam Speaker. I appreciate the clarification. So, when we tried to pass a bill prohibiting employment discrimination on sexual orientation, they said the sky would fall, our business economy would fall apart. That didn't come true. In the 12 years since then, we've had about 30 claims per year on discrimination based on sexual orientation. That's only 1% of the claims every year that the Human Rights Commission deals with. When we asked for equal access to the institution of marriage, they again said the sky would fall, but in reality, all that happened is a whole bunch more people were able to get married. And now they're saying the sky will fall if this bill passes. Well, the truth is, it won't. It has passed in ten other states. In four of those states, this bill was signed by Republican governors. Another bill sits on the desk of the governor in Maryland, a Republican, who has vowed that he will sign it.

One such law has been on the books for six years, and folks who have said that this creates unintended consequences about not being able to treat victims of sexual abuse, none of those claims have come true in the state where this has been on the books the longest.

So, what I would ask you to consider on this bill is what is really true, in my opinion. From my perspective, what is real is that these people that we're talking about, doctors, nurses, psychologists, psychiatrists, social workers, counselors and guidance counselors, are supposed to be people that we can turn to for our physical and mental health, and they are supposed to be people that we can trust. They are supposed to be people that kids can trust. Gay and lesbian kids should not have to hear from these trusted authority figures that there is something wrong with them and that they can be cured with

treatment or therapy. Nine years ago, I was a young person sitting in the gallery up above this chamber, watching as this body debated the marriage bill. It may not seem like a big deal now, but back then it was extremely controversial. I remember feeling incredibly anxious and stressed --

The SPEAKER: The Representative will defer. The Chair recognizes the Representative from Amherst and inquires as to why he rises. The Representative may proceed.

Representative **LOCKMAN**: Thank you, Madam Speaker. I hope you will encourage members, like you encouraged me, to stay focused on the bill that's in front of us and not talk about some other piece of legislation. Thank you, Madam Speaker.

On **POINT OF ORDER**, Representative LOCKMAN of Amherst asked the Chair if the remarks of Representative MOONEN of Portland were germane to the pending question.

The SPEAKER: The Chair will answer that, just as I gave much wider latitude to the Representative who is questioning me, I will give the same latitude to the Representative who is speaking now.

The Chair advised Representative LOCKMAN of Amherst that the remarks of Representative MOONEN of Portland were germane to the pending question.

The SPEAKER: The Representative may proceed.

Representative **MOONEN**: Thank you, Madam Speaker. I will try to drop references to other bills. What I can say is, I know what it's like to sit in the gallery above this chamber as a young person, feeling anxious about what's going to happen when this chamber debates gay people, and when I was a young person sitting here watching that, there were people who became heroes to me. Republicans like Meredith Strang Burgess of Cumberland and Mike Beaulieu of Auburn, Democrats like Mark Bryant of Windham and Bob Duchesne of Hudson. A few years later, I was lucky enough to be elected to this body and get to serve side by side with some of my heroes. Now, Madam Speaker, we have this bill in front of us about gay people once again. Gay people are our neighbors, our friends, our family, our co-workers. Six of us are your colleagues here in this chamber. But this bill isn't about us, because we're adults. It's about kids, the teenagers who are gay and lesbian and need to know that their government doesn't view them as broken. I know many of them across the state are aware of this bill. They are watching and waiting, anxious and stressed, like I once was, to see what we will decide. I know what that feels like, and today, like I did nine years ago, I hope those young people can find heroes in this Chamber; Republicans, Democrats, and Independents, who know that you cannot fix what is not broken. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, I rise today in opposition to the pending motion. Aside from some of the particulars in the bill with which I do not agree, the aspect that I find most troubling is the threat that it poses to our most cherished constitutional rights, specifically those outlined in the First Amendment of the US Constitution.

The implementation of the bill will inevitably stifle the free speech rights that we Americans hold so dear. Whether or not we agree on matters of sexual orientation or gender identity is not the real issue. What really is germane is the right for us to disagree with one another and respect that right to disagree. We need to realize that one of the special characteristics of our American culture is that we tolerate others with whom we do not agree, even on significant items. To mandate that people

lose their livelihoods, the right to support themselves and their families, because they cannot in good conscience comply with this mandate is antithetical to our Constitution and to the principles that we have made the United States the special place that it is, one that draws people from all corners of the earth to enjoy all the freedoms that it offers. Yes, we are a diverse nation, and the greatest diversity of all is the diversity of thought. It is how we learn to live together in harmony despite our differences that keeps us strong. We understand that we will not agree on everything. We do not wish ill will on those whose ideas are different from our own.

What LD 922 does is start chiseling away at that one thing that should keep us united, the right to express ourselves without fear of recrimination. The bill compels silence on matters where we should be able to speak in a manner that is consistent with our conscience. We should be able to speak what we believe to be true, and if others don't agree with us, that's okay. What's important is that we retain the right to do so.

I've been around here longer than most of the people gathered here today. I came of age during a time of great unrest and upheaval here in America. The culture was changing dramatically and many people were not happy with that. But one thing that was respected, though often begrudgingly, was the right for individuals to disagree with the status quo and to express that disagreement freely and openly. It's a bit ironic that the current orthodoxy might never have emerged had the right to disagree back then been suppressed. The principles were not suppressed then and must not be suppressed now. The same principles that enabled America to change back then, and should continue to let America change, will be undermined by the passage of this bill. It may seem like a little thing to many of us but it really is significant. We must not let the core of what makes America special be peeled away a little at a time. It's the wrong path to take. Please join me in defeating this bill. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. "To him who knoweth to do right and doeth it not, to him it is sin," and that is why I rise in opposition to this motion today.

Once again, someone has submitted legislation that drives a wedge between the traditional family and the church. This is a bad bill. One of my constituents calls it "perhaps the most dangerous bill affecting Maine families ever proposed by this Legislature." If one constituent feels this way, believe me, there are many others that feel the same way.

Another constituent through email declared this to be extremely dangerous and begged me to vote against this bill because it attempts -- is an attempt by the LGBT community to legitimize the unnatural inclinations now approved by society over the natural inclinations --

The SPEAKER: The Representative will defer, and the Representative will defer. This body will be at ease for five minutes while everyone takes a deep breath.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED**: Thank you, Madam Speaker. This bill can easily be seen as an attack upon free speech, telling families who can they can and cannot seek counsel from on matters within their own family.

It can also be interpreted as a violation of the principle of separation of church and state, a principle that is sacrosanct when the shoe is on the other foot.



Last year or the year before, it was an underage girl having an abortion counseled by school officials without the knowledge or consent of the parents. Schools can counsel in one of the most traumatic experiences of a young girl's life, and one that will leave psychological scars for years and maybe for the rest of her life, but a pastor or a Christian school counselor cannot counsel a young person struggling with his or her sexuality because it may cause permanent psychological trauma. Just run that one over in your mind and tell me what you come up with.

I take real issue with bills that are put forth in this Legislature that meddle in the affairs of the American family. There are some things that we should not tolerate, and this is one of them. No one in this chamber had a thing to say about my marriage, my children, my home and my church. I am the one who has provided my wife and family -- my wife and kids a home, has seen that they had food on the table, made sure that they had been properly clothed and, yes, I didn't send my kids to Sunday School and church; I took them myself. My wife and I are the ones who read them bedtime stories. I'm the one who coached my kids in all sports all the way from peewee league to high school. We are the ones who taught our kids Bible truths, corrected them in Christian love, and knelt with them in prayer beside their bed each and every night. What am I saying? I'm saying loud and clear when it comes to the family, we here in this House should mind our own business. We should decide what's best for our own families while leaving other families alone.

This bill is bad because it assumes that parents mistreat and do harmful things to their children. Some may, but most don't. It assumes that some in this chamber love our children more than we do. That's absolutely ridiculous. It is also seen as a direct attack upon faith-based counseling, generally available to members of the church. How many of us in this chamber even know or understand what Christian counseling entails? Most of what you know is based on a faulty misconception or a set of misrepresented facts construed by some disgruntled antichurch dropout. The reason for young people's anxiety, drug use, homelessness, and suicide is due to a deeper problem taking shape across America; they have no moral compass. For most of us the moral compass is the Bible. I know that when guys like me talk about the Bible it makes people here uneasy, but make no mistake, we are all marching to the teaching of something. To some, it's the teaching of Saul Alinsky, but to many others it's the King James Bible.

One email that I received declared this bill "to be one more nail in the coffin to drive God, the Bible, and the church from the public square." You know, when someone has a problem with drunkenness, quite often we recommend they go to Alcoholics Anonymous to get help for their problem. While there, individuals are asked to face their problem, engage with others who have similar problems, gain strength from one another, receive Christian counseling and in many cases move from alcoholism to sobriety. Obviously, I think most of us would consider this a good thing. Should someone in the body put forth a bill to make it unlawful to convert a drunk from drunkenness to sobriety? When someone is having a problem with a marriage, we recommend they see a marriage counselor. In many cases the marriage counselor provides a couple with sound advice that enables the couple to see what needs to be done to save their marriage. Again, I think most of us would consider this a good thing. Should someone here submit a bill to make it unlawful to receive counseling to save a marriage? No, I really don't think that would go over very well.

I think I have said enough to get my point across on this bill. It is a bad bill. It should be thrown in a trashcan, never to rise again, and it should've been DOA upon submission. Thank you, Madam Speaker, and thank you, Ladies and Gentlemen of the House.

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 usually have prepared remarks for an issue of this magnitude and today I do not. But I would like to say, Madam Speaker, that I am an evangelical Christian. I was raised in the church by very religious parents who are no longer with us today. I can say that I have had counseling, Christian and otherwise, from pastors, catechism teachers, my parents, aunts and uncles and guidance counselors as well. And I can say that in the course of my Christian counseling, I was told all sorts of things about who I was and what I should be and what I should not be, and it was very difficult to hear that who I was and who I knew myself to be was an abomination. And so I do know what it is to be counseled in the Christian church and outside of the Christian church, and I just wanted to say that, Madam Speaker, on the floor of the House today, because it has been very painful to sit here and hear what I have heard, and there are assumptions being made about those of us who are openly who we are, who love ourselves and who love other people for who they are, and who will not allow ourselves to be demonized by the words of anyone, even if that person is my pastor. And I wanted to rise and say that before I took this vote, because I don't want anyone who is in this chamber or listening to get it twisted. I'm a Christian, and I support this bill. Thank you, Madam Speaker.

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

**ROLL CALL NO. 592**

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

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

ABSENT - Austin B, Cebra, Dillingham, Guerin, Ordway, Sampson, Sherman.

Yes, 76; No, 68; Absent, 7; Excused, 0.

76 having voted in the affirmative and 68 voted in the negative, with 7 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-745)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as **Amended by Committee Amendment "A" (H-745)** and sent for concurrence.

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

**ENACTORS**  
**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District  
(H.P. 32) (L.D. 31)

(C. "B" H-572)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken. 89 voted in favor of the same and 55 against, and accordingly the Resolution **FAILED FINAL PASSAGE** and was sent to the Senate.

**Emergency Measure**

An Act To Implement a Regulatory Structure for Adult Use Marijuana

(H.P. 1199) (L.D. 1719)

(C. "A" H-733)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 38 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

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

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

(C. "A" H-712)

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**

Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, a Late-filed Major Substantive Rule of the Department of Education

(H.P. 1289) (L.D. 1852)

(C. "A" H-739)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, To Ensure the Continued Provision of Services to Maine Children and Families

(H.P. 1307) (L.D. 1874)

(C. "A" H-738)

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

Representative HERBIG of Belfast **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 593**

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

NAY - O'Connor, Prescott, Sanderson, Sutton, Turner.

ABSENT - Austin B, Cebra, Dillingham, Guerin, Sampson, Sherman, Skolfield.

Yes, 139; No, 5; Absent, 7; Excused, 0.

139 having voted in the affirmative and 5 voted in the negative, with 7 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Support Lead Abatement in Older Residential Properties

(H.P. 1063) (L.D. 1542)

(C. "A" H-628)

An Act To Stabilize Vulnerable Families  
(S.P. 658) (L.D. 1771)  
(C. "A" S-449)

An Act To Amend the Laws Regarding Aggravated  
Trafficking of Scheduled Drugs  
(H.P. 1228) (L.D. 1783)  
(C. "A" H-736)

An Act To Increase Youth Mental Health Awareness in  
Schools  
(H.P. 1302) (L.D. 1866)  
(C. "A" H-740)

An Act To Implement the Recommendations of the Task  
Force To Address the Opioid Crisis in the State Regarding  
Increased Access to Drug Courts  
(S.P. 720) (L.D. 1885)

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

**Resolves**

Resolve, To Save Lives by Establishing a Homeless Opioid  
Users Service Engagement Pilot Project within the Department  
of Health and Human Services  
(H.P. 1191) (L.D. 1711)  
(C. "A" H-737)

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

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass  
as Amended by Committee Amendment "A" (H-705)** -  
Minority (2) **Ought Not to Pass** - Committee on **LABOR,  
COMMERCE, RESEARCH AND ECONOMIC  
DEVELOPMENT** on Bill "An Act To Enact the Maine Fair  
Chance Employment Act"  
(H.P. 1079) (L.D. 1566)

TABLED - April 3, 2018 (Till Later Today) by Representative  
FECTEAU of Biddeford.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

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

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

**ROLL CALL NO. 594**

YEA - Ackley, Alley, Babbidge, Bailey, Bates, Battle,  
Beebe-Center, Berry, Bickford, Blume, Brooks, Cardone,  
Casas, Chapman, Collings, Cooper, Corey, Daughtry,  
DeChant, Denno, Devin, Doore, Duchesne, Dunphy,  
Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant,

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

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

ABSENT - Austin B, Bryant, Cebra, Dillingham, Guerin,  
Hamann, Sampson, Sherman, Skolfield.  
Yes, 81; No, 61; Absent, 9; Excused, 0.

81 having voted in the affirmative and 61 voted in the  
negative, with 9 being absent, and accordingly the Majority  
**Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A"  
(H-705)** was **READ** by the Clerk.

Representative TALBOT ROSS of Portland **PRESENTED  
House Amendment "A" (H-750)** to **Committee Amendment  
"A" (H-705)**, which was **READ** by the Clerk.

The SPEAKER: The Representative may proceed.  
Representative **TALBOT ROSS**: Thank you, Madam

Speaker and distinguished Ladies and Gentlemen of the  
House. I am pleased to speak to this today during the month  
of April, which President Donald Trump has proclaimed as  
Second Chance Month. The proclamation, which is an  
important context for this amendment, reads as follows:  
"During Second Chance Month, our nation emphasizes the  
need to prevent crime on our streets, to respect the rule of law  
by prosecuting individuals who break the law, and to provide  
opportunities for people with criminal records to earn an honest  
second chance. Affording those who have been held  
accountable for their crimes an opportunity to become  
contributing members of society is a critical element of criminal  
justice that can reduce our crime rates and prison populations,  
decrease burdens to the American taxpayer, and make  
America safer. According to the Bureau of Justice statistics,  
each year, approximately 650,000 individuals complete prison  
sentences and rejoin society. Unfortunately, two-thirds of  
these individuals are rearrested within three years of their  
release. We must do more, and use all of the tools at our  
disposal, to break this vicious cycle of crime and diminish the  
rate of recidivism. For the millions of American citizens with  
criminal records, the keys to successful reentry are becoming  
employable and securing employment. Beyond the income  
earned from a steady paycheck, gainful employment teaches  
responsibility and commitment and affirms human dignity. As  
a nation, we are stronger when more individuals have stable  
jobs that allow them to provide for both themselves and their  
loved ones. I am committed to advancing reform efforts to  
prevent crime, improve reentry, and reduce recidivism. I  
expressed this commitment in my 2018 State of the Union  
Address and reinforced it by signing an Executive Order to  
reinvigorate the Federal Interagency Council on Crime  
Prevention and Improving Reentry. In the spirit of these  
efforts, I call on federal, state, and local prison systems to

implement evidence-based programs that will provide prisoners with the skills and preparation they need to succeed in society. This includes programs focused on mentorship and treatment for drug addiction and mental health issues in addition to job training. This month, we celebrate those who have exited the prison system and successfully reentered society. We encourage expanded opportunities for those who have worked to overcome bad decisions made earlier in life and emphasize our belief in second chances for all who are willing to work hard to turn their lives around. Now, therefore, I, Donald J. Trump, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2018 as Second Chance Month. I call on all Americans to commemorate this month with events and activities and raise public awareness about preventing crime and providing those who have completed their sentences an opportunity for an honest second chance."

Madam Speaker, I appreciate the time and the opportunity to read this proclamation, as it is a critically important demonstration of support from our nation's highest office in what is now a bipartisan national movement working to ensure that the estimated 65 million Americans who have a criminal record which limit their access to jobs, education, housing, and other things necessary for a full and productive life do not experience what we call a "second prison" that often sets in after being release from prison. There are by some estimates more than 48,000 collateral sanctions, not counting local laws by municipalities, to those who've served time. As *BreakPoint This Week* co-host Ed Stetzer noted in *Christianity Today*, "employment is one of the greatest predictors of a formerly incarcerated person becoming a successful and productive citizen."

Madam Speaker, it is in this spirit that I offer this amendment which acknowledges the need for second chances while removing the mandate to public employers, and thereby reduces the fiscal note by little over \$263,000. I end by thanking the members of this body that have come together, found common ground, in support to those who have paid their debt to society and want nothing more than a fair and unbiased opportunity to improve their lives. Thank you.

Subsequently, **House Amendment "A" (H-750) to Committee Amendment "A" (H-705) was ADOPTED.**

**Committee Amendment "A" (H-705) as Amended by House Amendment "A" (H-750) thereto was ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-705) as Amended by House Amendment "A" (H-750) thereto and sent for concurrence.**

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-757)** on Resolve, To Implement Certain Recommendations of the Computer Science Education Task Force

Signed:  
Senators:

LANGLEY of Hancock  
MAKER of Washington  
MILLETT of Cumberland

Representatives:

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

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

Signed:

Representatives:

SAMPSON of Alfred  
TURNER of Burlington

**READ.**

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

The Resolve was **READ ONCE. Committee Amendment "A" (H-757) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-757)** and sent for concurrence.

Eight Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-447)** on Bill "An Act To Provide the State the Right of First Refusal for the Purchase of Certain Land on Which a Subsidy Has Been Paid"

Signed:

Senators:

DAVIS of Piscataquis  
DILL of Penobscot  
SAVIELLO of Franklin

Representatives:

DUNPHY of Old Town  
HIGGINS of Dover-Foxcroft  
MARTIN of Sinclair  
McELWEE of Caribou  
O'NEIL of Saco

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

Signed:

Representatives:

BLACK of Wilton  
CHAPMAN of Brooksville  
KINNEY of Knox

SKOLFIELD of Weld

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-448)** on same Bill.

Signed:  
Representative:  
ACKLEY of Monmouth

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-447)**.

**READ.**

Representative DUNPHY of Old Town moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

On motion of Representative ESPLING of New Gloucester, **TABLED** pending the motion of Representative DUNPHY of Old Town to **ACCEPT** Report "A" **Ought to Pass as Amended** and later today assigned.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Authorize a Prerelease Facility in Washington County" (EMERGENCY)

(S.P. 694) (L.D. 1841)

Signed:  
Senators:  
ROSEN of Hancock  
CYRWAY of Kennebec

Representatives:  
WARREN of Hallowell  
COREY of Windham  
LONGSTAFF of Waterville  
MAREAN of Hollis  
NADEAU of Winslow  
RECKITT of South Portland  
TALBOT ROSS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-455)** on same Bill.

Signed:  
Representative:  
GERRISH of Lebanon

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

**READ.**

Representative HERBIG of Belfast moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

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

In Committee last week, we were literally at the finish line with the pre-release center bill. We had divided reports, but all

supportive divided reports. We met a week ago today to finish the bill with a simple language review. Surprisingly, in a matter of approximately three minutes, it was moved to completely kill the bill. After working so hard on my own language in an attempt to get it right for Washington County, as I do and have always believed they need something there for corrections, I was stunned by the motion. I opposed it then and I oppose the motion now. Thank you.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. As the good Representative from Lebanon expressed, I myself was stunned when she reached out to us and said this bill was being requested that it be killed in Committee. And so we ran up to the Committee, and literally in minutes, the bill was being asked to be killed. A bill which has been debated for much of this session. A bill which is part of a larger conversation that stretches back to the 127th Legislature when a bond issue was -- when a government facilities bond was passed which includes within it language that talks about a facility being built in Washington County. The two are inextricably connected.

Now, at the same time, we are well aware that the Chief Executive's had conversations about a plan in regards to a facility and a number of facilities, and a strategic plan for facilities throughout the state. And so by withdrawing this bill, in my opinion, what we are saying to the Chief Executive is don't build that facility that we authorized in the 127th Legislature when we passed the \$149 million bond for correctional facilities. Please don't do that. Now, I don't understand that. As somebody from Washington County, whose family left in 1981 because, as my dad said, "I can't make a living here," we now walk in and say we don't want to have a conversation about a pre-release center in Washington County. Let's kill the bill. That makes no sense.

We talk about the highest unemployment rate in the State of Maine and we're concerned about Washington County; I went up there, I talked to folks, they're concerned about jobs. Now, at least as far as I know, if we build a pre-release center in Washington County, I suspect there's going to be jobs tied to it. I suspect there's going to be jobs tied to facilitating the building of one. I suspect there's going to be jobs tied to whatever utilities you might need, food, insurance for people that would go to the local hospital. And now we're being asked to indefinitely postpone and kill this bill. Let's stop the conversation about a pre-release center in Washington County.

Now, I'm not going to question the motives of anybody on this particular bill, but this makes no sense. Now, we are all aware that we have another bill, which I will not talk about, which is going to require action, and if we do not take action on that bill, a facility will be closed because there is no authorization to keep it open in the current budget. On June 30, it will shut down. At that point in time, given my legal background and the reading of the -- Michaela Murphy's opinion, that facility is going to shut down.

But what we're saying today, folks, is, is let's not have a conversation about the pre-release center in Washington County. That makes no sense to me. I'm frustrated, quite frankly, by it, because I think there's a much larger conversation that this body needs to have in regards to it, and with the Chief Executive, and I think we've taken steps in that direction in prior -- in a prior session. So I'm frustrated by this particular bill and the surprise action that was taken in

Committee on it, which I think is going to lead to dire consequences on other issues related to Washington County.

So, I am going to be voting against the motion to indefinitely postpone, so that we can continue to have this conversation as a legislative body over the next week. I am imploring you to keep the issue open for one more week while we figure out funding issues. I don't think that's too much to ask. So, I will be voting against the motion, and I will be asking for you to follow my light. Thank you, Madam Speaker.

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

Representative **TUELL**: Thank you, Madam Speaker, and I'm going to do my best not to get hauled into your office today. I'm going to do my best. I can't promise anything, but I'm going to do my best.

First of all, this is not -- this motion before us is not about another bill, which we already discussed. This bill that we're dealing with today came to the Committee last week, they were doing language review. Something you should note about the variety of reports before the Committee is that each of them had fiscal notes for over two and a half million dollars, two and a half million dollars for different-sized facilities. And, I should say that there was some concern there. There is also some concern over whether -- how this bill is being positioned in the grand scheme of things, and how it is being used or whether it's being used and to what it's being used for. It is tragic that we have come to the point where we have; last -- last October, a bill was let in to actually fund the Downeast Correctional Facility, a facility which today is open. We have that option to fund an open facility past June 30th, yet we're now being put into doing a pre-release facility, or potentially doing a pre-release facility, and I just think there's a good deal of confusion out there. I'm confused by the fact, why would we open a new facility when we already have a facility that is providing those services? It may not be called a pre-release facility, but it is one. So, last week, when this bill came up in Committee and the Committee voted Ought Not to Pass, I guess I understand their logic, because we already have a bill that deals with that very issue in Appropriations. Now, we have a choice; are we going to fund it or aren't we going to fund it? And I got to say, some of the things --

The SPEAKER: The Representative will defer. The Representative will be reminded to focus on the bill that is in front of us, not a bill that is somewhere else in the process of this Legislature.

The Chair reminded Representative TUELL of East Machias to confine his debate to the question before the House.

The SPEAKER: The Representative may proceed.

Representative **TUELL**: I'm sorry, Madam Speaker. I really am. As far as the bill before us goes, what we have is, if we reject the motion before us, we all could take a walk down to Walmart, maybe Marden's, pick up a tent, a four- or five-person tent, pitch it on our own properties, and call it a 20-bed facility. That's the equivalent of what we're doing. We're doing a 20-bed pod if we reject the motion before us; a 20-bed pod, when we already have in existence a 150-bed facility, and we're going to spend \$2.5 million to do it when we already have a facility in existence. Sounds like a great deal. I guess people saw that and voted Ought Not to Pass in Committee. That certainly -- I can follow that logic. And I will say the sponsor of this bill asked that it be removed because of some of the games being played around this issue. And we'll leave that at that, but there have been games played.

The SPEAKER: The Representative will defer again, and this is a final warning for the Representative. I know that you know the rules; you're usually very good at staying within them. The Representative may proceed on the merits of the motion before us.

The Chair reminded Representative TUELL of East Machias to confine his debate to the question before the House.

Representative **TUELL**: Thank you, Madam Speaker, and I would just encourage you to follow my light and vote green. I appreciate the Committee's willingness to work on this issue from start to finish. It's a very complicated and multifaceted issue, and I would just ask that the Committee put the faith in other Committees and move forward. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, just to agree with my friend from East Machias, the sponsor came to the Committee and asked us to kill the bill. As usually happens when a sponsor comes to your Committee and asks you to kill the bill, you attempt to kill the bill. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 595**

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

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

ABSENT - Austin B, Cebra, Guerin, Hamann, Harvell, Sampson, Sherman, White.

Yes, 84; No, 59; Absent, 8; Excused, 0.

84 having voted in the affirmative and 59 voted in the negative, with 8 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

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

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**ENACTORS**  
**Emergency Measure**

An Act To Clarify the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists  
(H.P. 1325) (L.D. 1892)  
(C. "A" H-744)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act To Broaden Educational Opportunities to Members of the Maine National Guard and Provide Financial Assistance to Veterans  
(S.P. 635) (L.D. 1736)  
(H. "A" H-743 and H. "B" H-748 to C. "A" S-445)

An Act To Exempt from Taxation Sales to Certain Nonprofit Organizations Supporting Veterans  
(H.P. 1315) (L.D. 1882)  
(C. "A" H-741)

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

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

The SPEAKER: Before we begin this item and this debate, I just want to start by acknowledging that I know that for everyone in this chamber, it can be challenging to -- you know, many of us have this book or access to this book, and yet still, there's a lot of information in there and some of it is not exactly completely straightforward. So, when it comes to the rules of decorum and the rules of debate, it is not always a black and white issue of what is written down on those pages in terms of what is allowed, and to be quite frank, a lot of it is left to the discretion of the individual who is presiding at the time. So, I wanted to take this moment, anticipating, knowing debate on this particular issue in the past, knowing that debate and challenges we've had already today, I thought it would be good to just take a moment and review some of the most straightforward and easy-to-understand rules of debate as a reminder to start, and also to try to give you some guidance for what my tolerance will be as the presiding officer during this debate. And, what I do want to emphasize and share with you is that it is my goal to be fair and to allow everyone to have the opportunity to talk about the concerns on a bill or a motion before us, and I am -- the challenge in this, in having free speech while also abiding by the rules of decorum, is a very real one, and I also want you to know I take it very seriously, because each of you deserve to be able to express yourselves and to represent your constituents, and yet in order for us to function as a body and to be able to continue to move forward and do our work, these rules help us and they guide us.

So, on that note, I think I'll start with maybe the easiest thing, but hard to remember sometimes when we're in the throes of debate, which is to please direct your comments towards the rostrum. That just sometimes helps keep things a

little calmer and allows people to not feel as if something is being addressed directly to them.

As we've talked about before, we do not question the motives of each other in our debate. It's not the person or any person that is the subject of our debate, but it is actually just the matter before us. And, on that note, you can talk about the matter before us in the strongest of terms and with all of your passion, as long as it is directed toward the actual bill and subject matter in the bill.

Also, in terms of our debate, using indecent or profane language or participating in conduct that disrupts or disturbs the orderly proceedings of the body. This is, I recognize, one that can be a little less clear and which I -- you might hear me question. As always, a member must be recognized before speaking, so if a member is asked to defer, you need to be recognized before speaking again.

And, debate is limited to the question before the House. Now, just to specify on that, if a motion before the House is Indefinite Postponement or the motion before the House is Ought Not to Pass, then one can debate the actual bill or other reports that is before us, so I do want to make that clear as well.

And, finally, you know, in terms of this particular issue, this is, I know, an issue which is very emotional for many people in the room. It is an issue which also, in the past, has drawn people to use graphic language in description of it, and I think that what I want to make clear is that any language that is needed to use to describe the procedure clinically is part of this debate, however, a dramatization that is, you know, made to push people over the edge either way, I will be really strictly watching and questioning. So, I ask you to be patient with me. It is very tricky to preside over a body of amazing, smart individuals who care passionately about issues on different side of issues. On that note, we shall proceed.

**REPORTS OF COMMITTEE**  
**Divided Report**

Eight Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass** on Bill "An Act To Prohibit the Practice of Female Genital Mutilation of a Minor"

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

Signed:

Senators:

ROSEN of Hancock  
CYRWAY of Kennebec  
DIAMOND of Cumberland

Representatives:

COREY of Windham  
GERRISH of Lebanon  
HERRICK of Paris  
NADEAU of Winslow  
MAREAN of Hollis

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

Signed:

Representatives:

WARREN of Hallowell  
RECKITT of South Portland  
TALBOT ROSS of Portland

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "A" (S-446)** on same Bill.

Signed:

Representatives:

GROHMAN of Biddeford  
LONGSTAFF of Waterville

Came from the Senate with Report "A" **OUGHT TO PASS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-454)**.

**READ.**

Representative WARREN of Hallowell moved that the House **ACCEPT** Report "B" **Ought Not to Pass**.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative WARREN: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, we all, in this chamber, agree that female genital mutilation should never ever happen. Every one of us. The good news is this is not happening in Maine. All of the data is clear. We have spoken with doctors in Lewiston, we have spoken with doctors in Portland, we have spoken with health practitioners from all across the state for more than a year. This is not happening in Maine. Here's the further good news. If it were to happen in Maine, we have the tools to fully prosecute this to the fullest extent of the law. We already have those tools. That is why I encourage you to vote Ought Not to Pass.

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

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

Representative ESPLING of New Gloucester **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

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

To move the Ought Not to Pass when we have an eight-person bipartisan Majority Report is stunning. It's really disappointing that I reluctantly digress.

First, I would like to thank both Representative Cardone and Representative Sirocki for their efforts bringing this issue forward to us once again, in separate but similar bills this session, after we failed to act last session. I believe it's imperative for the body to hear of the diligent process in which our Committee worked this bill.

I have to say, I had great hope from the very first work session. The Criminal Justice and Public Safety Committee worked these bills slowly and methodically. From the onset, the Committee had a goal to incorporate pieces of each bill into a final Committee bill, which is before us right now. As we moved through the nine major portions of the bill, the Committee took straw votes to gauge where we all were, and to highlight our disagreements to see where the real work would lie. It was such great work that covered multiple work sessions and, honestly, I was astonished at how much we all agreed upon.

If you'll allow me to explain, component one pertained with the definition of FGM. We unanimously agreed upon the definition. Component two dealt with the conduct specifically

excluded from the definition of FGM. Again, we unanimously agreed. Component three made it a class A crime to perform FGM on a minor female. Once again, we were all in agreement. Component four disallows defenses to prosecution. Again, we were in a unanimous agreement. Component five makes it a violation of law if performed by a state licensed physician or midwife, and is grounds for permanent revocation of that physician's license. Again, we were in unanimous agreement as a Committee. Component six extends the statute of limitations to age 25 to allow for prosecution. Once again, we were in complete agreement. Component seven deals with the community education outreach piece. I had been the one dissenting vote on this section at the start, due to Maine being the recipient of federal funds for this very purpose. But, in an effort of good faith and trying to continue to move us forward, I relented and moved my straw vote along with the others, again making it another unanimous component of this bill. Component eight surrounds the transportation of the victim out of the state for the purpose of FGM, and making that a crime. We struggled here over three work sessions with votes of 12-1, 11-2, 10-1, all in favor of making the transportation out of state a crime. In the end, we were unanimous. Component nine regards to making it a crime to consent or permit the procedure to be performed on a minor. This is where the Committee seemed to part ways, with a couple members clearly not wanting parents or guardians held accountable for allowing this barbaric practice on young girls. While I expected we would have a couple members on a Minority Report solely in opposition of the consent section, when we faced a surprising -- we then faced a surprising reconsideration after all that work over multiple work sessions. It was then, at reconsideration, that we somehow, some way, ended up with a bizarre three-way report. How do we end up here with this type of report after we had agreed on so much?

The Committee worked the bill earnestly, carefully, wholeheartedly. I simply cannot support an Ought Not to Pass motion after weeks of hard work and unanimous agreement. How can we once again fail to act on this issue, like last year? The Majority Report version of this law will serve as both a deterrent and a way to bring justice to the victim for the pain and suffering involved with female genital mutilation. Please help protect Maine's at-risk little girls, and oppose the pending motion. Thank you.

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

Representative RECKITT: Madam Speaker, Honorable Members of the House, there are thousands of things I'd rather be doing today than speaking to this issue. But unless you've been sleeping under a political rock in either session of Maine's 128th Legislature, you are surely aware that, for two years, there's been a battle raging about the abhorrent practice of female genital mutilation. The question now, in 2018, has been whether we should specifically criminalize the practice in Maine's statutes. Right now it is federal crime under the US statutes, and according to the Criminal Law Advisory Commission, a crime under Maine statutes as well.

This session we are arguing about whether FGM should be a separate crime, who should be punished should the offense occur in Maine, and a variety of other issues related to who is responsible for this crime against young girls. To understand the dynamics, it's important to understand where this crime fits in the shameful record of misogyny in the world. In the middle ages, chastity belts imprisoned the genitalia of women and girls. Whose idea was this in Medieval Europe? Not the women. This was a way for men to be assured that women



sold to them as wives were pure. To ensure this, women did not have access to the key, sometimes even when the menfolk rode off to the Crusades.

In more recent times, women have been imprisoned in a more anatomically brutal way in some cultures of the world. Women have been cut, sewn up, and otherwise brutalized for men to be assured the women chosen by or for them were pure. In addition, that they could not and would never know sex as a physically pleasurable act, and therefore would not stray.

So, why, I ask you, is the FGM debate not about those male attitudes? Instead we focus on the mothers, many of whom have emigrated to the United States in part to protect those daughters. Instead of creating a newly named crime in Maine, we should be holding men accountable for their attitudes that encourage brutality, assisting mothers to understand the ramifications of these practices, and help them continue to protect their children. We should be training doctors and nurses and social workers to deal appropriately with adult victims if they have undergone FGM in the land from which they came.

What we should not be doing is counting potential victims at risk by counting the number of Somali, Egyptian, and Guinean female children in immigrant families in Maine, not unless we are willing to face the racism in that calculation, and the racism and misogyny entrenched in so many of us, myself included.

The SPEAKER: The Representative will defer. The Representative is skating really along the lines of questioning motives of those on the other side that is a way that is inappropriate and unallowable.

The Chair reminded Representative RECKITT of South Portland that it was inappropriate to question the motives of other members of the House.

The SPEAKER: The Representative may proceed.

Representative **RECKITT**: I apologize, but I was really getting to the point of pointing out that I, too, was born white in these United States. No one in this chamber condones FGM. We all want it to never happen to another young girl. Our differences are in how we get there and how much collateral racism we're willing to risk to do so.

My position remains, Maine has too much at stake impacting the everyday lives and viability of all its citizens to be distracted by ideology-driven laws that are bad and misguided policy. I will be voting Ought Not to Pass. Please have the common sense and courage to join me. Thank you.

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

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

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

Representative **PRESCOTT**: Thank you, Madam Speaker, Members. Can I pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **PRESCOTT**: I'd like someone to give me three examples of a health issue that is not covered by the Affordable Healthcare Act that requires this procedure.

The SPEAKER: The Member will please repeat his question.

Representative **PRESCOTT**: I'm asking for three examples of a health problem that is not covered by the Affordable Care Act that requires this procedure.

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

**ROLL CALL NO. 596**

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

NAY - Austin S, Bickford, Black, Bradstreet, Cardone, Chace, Corey, Craig, DeChant, Dillingham, Duchesne, Espling, Farrin, Fay, Foley, Fredette, Gerrish, Gillway, Ginzler, Grant, Grignon, Grohman, Haggan, Hanington, Hanley, Harrington, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Luchini, Lyford, Madigan J, Malaby, Marean, Mason, Mastraccio, McElwee, Nadeau, O'Connor, Ordway, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Austin B, Campbell, Cebra, Guerin, Hamann, Harvell, Parry, Sherman, Theriault.

Yes, 65; No, 77; Absent, 9; Excused, 0.

65 having voted in the affirmative and 77 voted in the negative, with 9 being absent, and accordingly Report "B" **Ought Not to Pass** was **NOT ACCEPTED**.

Subsequently, Representative WARREN of Hallowell moved that the House **ACCEPT** Report "C" **Ought to Pass** as **Amended**.

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

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 Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I again stand in strong opposition to the pending motion, because this report is missing some things that are vitally important. When seeking justice for child abuse, we must hold all of the perpetrators, not just some, accountable. I serve on the Maine Children's Growth Council and Maine Children's Justice Task Force. As such, I have sat around large tables with the Chief Justice and many child advocates. Accounts of neglect and abuse abound.

I agree, as I stated earlier in debate today, that we have a level of responsibility here as lawmakers to protect children from harmful practices. We have all heard the stories of people perpetrating horrible life-threatening crimes against children in Maine, some that result in death, not being held accountable, charges being dropped, cases being lost. Where is the justice when a child that has been abused and the abuser gets off with a slap on the wrist, or a case is lost due to a weak statute riddled with loopholes?

The report before us is a report that only prohibits the crime of performing the act of mutilation. This means that if the

person that did the cutting can be identified then an arrest may be made, but very often the cutter is hired and the girl is very young and she cannot identify the person who harmed her. Remember that the person performing the procedure is hired, and they're usually a stranger. What if the girl is blindfolded? What if the girl is taken out of state or to another country and is cut there? What if the person performing the procedure is flown to Maine from another state or country? Who do we arrest? Where is the justice for that girl?

The ability to use accomplice liability is given as the answer, but in order to charge the people most intimately involved with this crime as an accomplice depends on an arrest, the arrest of the mutilator. With this crime, there are many perpetrators without whom this crime cannot occur. With this report, a person may not be charged as an accomplice unless, again, the cutter is arrested. I have been told that I should compromise and support this Committee Report because, well, it is, in quotes, "better than nothing." Better than nothing? I am sorry, but Maine's at-risk girls are worth more than that. The Population Reference Bureau has estimated there are 399 at-risk girls in Maine. The United Nations has called for zero tolerance. Does better than nothing sound like zero tolerance to you? Sadly, after all of this work, I cannot and will not support this Committee Report. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The truth will set you free, but first it will make you miserable. Many of you in this House remember that when this issue was debated the last time, I voted to make this crime a crime under Maine statute. I did so because I believe that this is a form of child abuse, and at the time that I cast this vote, I stood on this floor and I spoke to all of you about why I thought this was child abuse, and I why I felt it should be made illegal under Maine law. I was absolutely convinced, Madam Speaker, that I was right. I was sure I was right. And whenever I am so sure that I am right, a little voice inside of me says, isn't there a possibility that you are not right? And so, Madam Speaker, I decided that I would take a journey and I would learn as much as I could learn about the practice of FGM, about its history. And I spent some time talking to folks on both sides of this issue so that when it came back again, I would have a clearer vision. Because, honestly, when this bill came to us before, I admit I had to look up on the internet what FGM was. I didn't know. And when I read what I read I was appalled and I said, well, of course.

I held on to this idea and I talked with folks from the affected community, I talked with members of this body who believed differently than I did, and this amendment that's before us is something that I'm going to support. I'm going to support this because I still feel that child abuse of any form should be clearly prosecutable under Maine law. I still also believe, as a person who has spent much of my life advocating for children and youth, speaking against child abuse in all its forms, I realize that I stood on the House Floor for the first time in six years of my service here, and the first time I talked about child abuse was in reference to FGM. And it made me so sad because I have listened, Madam Speaker, to the personal stories of many, many people who have been abused as children, and the thing they have in common is the sense of shame, and the thing that has kept them as victims instead of survivors is silence. And I realized, Madam Speaker, that I had not ever spoken about their abuse, only about this abuse.

Over the summer, two children were murdered by people who were supposed to protect them, allegedly. I had never stood on the House Floor and talked about this form of child abuse. Those things will be investigated, as they should be. But, Madam Speaker, one of the things that I learned in talking to the affected community on this issue is that those women who've come here, who have experienced this trauma, they need their voice. They need to feel that they are being heard. I went to the public hearing, Madam Speaker, for this bill, and I stood at the back of the room because there were no seats in the room. And beside me were two rows of women from the affected community, and I thought to myself I could only see one person who was speaking for them, and that person was not me, and I decided that I needed to do something about that, Madam Speaker. I had a wonderful conversation with a woman named Fatuma Hussein. Fatuma, I met some years ago in other work that we both were doing, and I knew a little bit about her story, but I didn't know all of her story. Fatuma shared her story with me, and what I took from that story, Madam Speaker, was hope. These people have come from a country with war and things that are unspeakable that we can't even imagine, and yet she stood there talked about hope, eradicating this practice in her generation. And I would just like to speak her words, referenced only the parts that are appropriate here today, and I would just like to share them because it's important, Ladies and Gentlemen of the House, Madam Speaker, that the people we are trying to protect have a voice in this debate. And I quote, "My name is Fatuma Hussein. I am a mother of eight children, four boys, four girls. Two daughters in college at Georgetown and Swarthmore. I'm originally from Somalia and moved to Maine in February of 2001. When I moved to Maine, we had only three Somali families in Lewiston. In the subsequent months, I organized women and founded the Immigrant Resource Center, formerly known as United Somali Women. The Center provides system advocacy, education, training, and direct service. We are the only culturally and linguistically specific sexual assault center in the State of Maine for the New Mainer community. We provide services in 14 different languages. I bring my voice to you today through Representative Grant, as a mother, as a Mainer, as an FGM survivor, and most importantly as a cycle-breaker. In the past 17 years, I have worked to protect women and children from gender-based violence. FGM is a form of sexual violence. We provide services to these survivors and help them navigate systems to ensure they have access to services and that their children are safe. I want to remind you all that we are people who have been fleeing violence all our lives. I want to remind you that we are people who have experienced the most horrific trauma that a human being can experience, and I also know that you will never walk in my shoes."

Ladies and Gentlemen of the House, we must stand firm against all forms of child abuse. We must never be complacent and believe for one second that this is the only form of child abuse that we should be talking about in this House. We must do everything we can to empower women like Fatuma Hussein, women like the one in three adult women who have been sexually abused before they turned 18, one in four boys who were sexually abused before they were the age of 18. We must stand up for the victims of all violence and all child abuse. So, Ladies and Gentlemen of the House, I urge you to support the amendment that is before us, that does all it needs to do to protect the children we wish to protect. Thank you.

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

Representative **NADEAU**: Thank you, Madam Speaker. There's no wonder by the Committee came out with three reports, because even the people testifying at the public hearing were on different pages.

Madam Speaker and Ladies and Gentlemen of the House, I rise today in objection to the pending motion. The Majority Report is a result of many emotional hours on this issue. The Majority Report reads eight Ought to Pass, three Ought Not to Pass, and two Ought to Pass as Amended. Regardless of a young girl's background, she should never have to endure the pain and suffering involved with FGM for any reasons. I heard the stories from the survivors. We are called to act. We need to take child abuse in all its forms seriously. People that perform the act and people that help make arrangements are equally culpable. The World Health Organization states, "FGM is recognized internationally as a violation of human rights of girls and women." Then, why are we hesitating to protect girls that are at risk in Maine? My Committee has worked hard on this bill to give the Maine Legislature another opportunity to do the right thing, as many other states and countries have done. We have done good work, really good work. Together with support from both sides of the aisle, states are passing similar legislation with unanimous support. Please join me today and support the Majority Report with the motion. Thank you.

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

Representative **GROHMAN**: Thank you, Madam Speaker, Women and Men of the House. I'm one of the two people on this Minority Report, and I'd like to attempt to explain why that is. I think there's a lot of agreement that we need to memorialize something here and enter it into law, and do everything we can to prevent this practice, and the two elements that are not in this report that are in the other one where the motion just failed are related to this concept of knowing consent and --

The SPEAKER: The Representative will defer. The Representative may proceed.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette, and inquires as to his point of order.

Representative **FREDETTE**: Thank you, Madam Speaker. I'm just checking. I have people contacting me regarding no audio in regards to the debate on the floor, and I know I contacted the Clerk, so I just wanted to make sure our members are aware of the same thing.

The SPEAKER: Thank you for your patience. Just an announcement through the Chair. Apparently, there is an issue with the audio being streamed over the Internet Explorer platform. So, if you are -- but the other -- streaming otherwise is working; for example, you can be somewhere else in the building and listening to it. It's being recorded. So, if you are receiving any complaints or if anyone is listening and having issues, if you just go on to the Google Chrome platform, for example, you will have no problem hearing. We are working on the Explorer issue. The Chair recognizes the Representative from Biddeford, Representative Grohman.

Representative **GROHMAN**: Madam Speaker, I get it. The chamber has heard enough out of me. So, if I may proceed, and please direct me if I go off the mark, but there was a specific reason for the changes that we looked for in this Minority Report, and one of the rules of this chamber is I can't hold something up, so I am not holding up Maine's Criminal Code at this point, but you will not find in there a definition of

knowing consent, and that, I think, is a real problem. Many things that we move through the Criminal Justice Committee, we will look at where we think a law can land and actually work in order to do what it is we hope it will do, and there are many clear examples of when laws have been struck down because of problems very much like that one. So, I had that concern, along with Representative Longstaff.

If I may run quickly through what is in this Report C for the chamber, I think we'll find that we've constructed something that will be very much worthy of your support. And, I better start on the first page, excuse me. So, we define the practice. That doesn't exist in statute today, so that is very important. So we start by defining the practice of FGM, and then we exclude conduct essentially for medical reasons, or completely for medical reasons by licensed professions, and then we make it a crime. We make it the worst crime that we can make something. And then, we disallow all sorts of defenses including consent and desirability as part of a social norm or something like that. And then we add additional penalties for licensed practitioners, including permanent revocation of that physician's license, and then -- and I think this is extremely significant, Madam Speaker, I haven't seen the Committee do this on other pieces of legislation even though it has been talked about extensively -- we extend the statute of limitations very significantly, up to the victim's 25th birthday. Right now, if we don't act, that statute of limitations is actually only six years, and that's not very long. So, and then the final piece, which has been referenced, is education, community outreach programming. I just think that's really important. I think there's a lot of value in that. I think there's a lot of support for moving that in, moving that forward. So, I think the arguments proposed are valid, but I think in order for the law to stand, when we pull out these two concepts of knowing consent, as much as we may want to find a way to capture those concepts, and maybe we can do that in future Legislature, I think for this, the purposes of moving this forward, and for a law that will indeed generally be effective, this approach actually makes it stronger. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Fort Fairfield, Representative McCrea.

Representative **McCREA**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I don't think there's anyone in this Chamber that feels that this is not a very serious issue, does not feel that it is not a proper thing to happen. We all find it very, very offensive. I'm an educator. I've been an educator all my life. I believe in education firmly, on all fronts. I have something here from a lady that has asked to have it read. Her name is Kiro Jama. "I'm writing this short note regarding LD 1904. This bill is deeply concerning to my community and to me. My community has worked so hard implementing programs to educate," I underline educate, "community members and to eradicate the practice of FGM. We are fully aware that it is already banned under federal law. FGM is not happening in our community in Maine. This bill is causing a lot of physiological harm when we are so far removed from FGM at this point." I urge people to follow my light and to vote for the amendment before us. Thank you, Madam Speaker.

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

Representative **LONGSTAFF**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I will try not to repeat too much of what has already been said, and I need not repeat the good points that my colleague on the Committee has made when she talked about the process, Representative

Gerrish, what the process of our trying to move to a Committee report that we could all accept.

I'd like to point out as I begin that there are only two significant differences between the Majority Report and this Minority Report which Representative Grohman and I are proposing. When we were working on consensus in the Committee, we tried as much as we could and I got as close as I thought we were to having a bill that we could sign onto as a Committee, and one of the things that I thought we had agreed upon was that we would not include defining as a class A felony with the severe penalty of up to 30 years of imprisonment, for consent, which is not clearly defined, as it has been pointed out. At the last moment in our Committee discussions, I really mean that, at the last moment, this particular provision of consent was put back into the bill. That seemed to me excessive, a class A crime, 30 years of confinement for consent, maybe the mother who didn't object. And, so, we had done -- we had made the -- I'm sorry, I should -- thank you -- I'm sorry. We all get, shall I say, emotionally involved in this, and thank you for reminding me very much. I will direct my attention where it should be. Thank you very much.

You know, so we have now defined consent as a crime equal to the cutting itself. The Minority Report first included only this change, but when we did the language review, it seemed to me that the transportation piece was also extreme, making it one of the most severe crimes that one could commit in the state, again, equal to the crime of the cutting itself. So, our penalties proposed in this bill seemed to me extreme, twice as much as federal law. And so, as terrible as it is, and it is terrible to think of this kind of mutilation and what happens to children; make no mistake, I understand what this is, I have seen child abuse up close and personal. I worked for a period of time as an advanced EMS responder with a paramedic unit, and one of the most terrible things that we ever had to do was bundle these children up with severe injuries and take them to the hospital. Make no mistake about it, I know how serious this is.

So, as we try to move closer to conformity with federal law, and without the severity of sentences that seemed to me extreme, the consent and the transportation defined as equal to the cutting itself, I arrived with Representative Grohman at this alternative. I do not look at it as something that's better than nothing. I think that it's better than raising consent and transportation to class A felonies. And so, I do not agree that we need these provisions in there, the extreme class A penalties for consent and for transportation, just so that in case we can't arrest and prosecute the person who did the cutting, we have somebody that we can arrest. That does not seem to me a good argument. So, thank you, ladies and gentlemen, and I hope you will consider this alternative, not as something better than nothing, but as the sort of thing that we ought to do. Thank you very much.

The SPEAKER: The Chair will remind members behind the glass that a debate is going on on the floor, to please take your conversations outside. The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker. I would just like to explain to the chamber here that, under existing penal code, it was explained to me that the charge that would be attempted to be brought forward would be aggravated assault, and that all accomplices are held to the same level of crime; so under existing penal code, the aggravated assault charge is a class A crime and all accomplices would be also charged with a class A crime, so

the report that includes all perpetrators that are involved with the crime, spelling out that their crime level would be attributed to the class A crime, is simply spelling out that which already exists in the existing penal code. Thank you.

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

**ROLL CALL NO. 597**

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

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

ABSENT - Austin B, Battle, Campbell, Cebra, Guerin, Hamann, Harvell, Parry, Sherman, Theriault.

Yes, 73; No, 68; Absent, 10; Excused, 0.

73 having voted in the affirmative and 68 voted in the negative, with 10 being absent, and accordingly Report "C" Ought to Pass as Amended was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-446)** was **READ** by the Clerk.

Representative **GOLDEN** of Lewiston **PRESENTED House Amendment "C" (H-755)** to **Committee Amendment "A" (S-446)**, which was **READ** by the Clerk.

Representative **ESPLING** of New Gloucester **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-755)** to **Committee Amendment "A" (S-446)**.

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 Rockport, Representative Casas.

Representative **CASAS**: Thank you, Madam Speaker. I guess I don't understand what's in the amendment, so if someone could be so kind as to explain it to me, I would appreciate it.

The SPEAKER: The Representative from Rockport has posed a question through the Chair to anyone who may be able to answer. The Chair recognizes the Representative from Lewiston, Representative Golden.

Representative **GOLDEN**: Thank you, Madam Speaker. This amendment will simply conform the definition of the action with the federal definition. I think this was widely discussed in Committee and is the direction that I would like to see this body move. So, again, simply making sure that state law, and how we define female genital mutilation, will mirror federal statute.

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

Representative **SIROCKI**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I would like to speak to this change and express my strong opposition to this amendment.

My cousin is a pediatrician, her father is a pediatrician, her grandfather was a doctor, and I consulted her on this. And I read to her and we discussed the federal definition, and she said if she was on the witness stand and a defense attorney asked her if a child had been cut, using the federal definition, would she be able to say that that definition was female genital mutilation, and she said no. The three words in the federal definition are excision, circumcision, and infibulation. And, without getting graphic, the excision is the complete removal of a body part. A circumcision, we all know what that is, and infibulation is the suturing up, using stitches. But sometimes, most times, this act is not done in a medical office, not done by a medical professional, and you're trying to use medical terminology to describe something that is not a medical act or a medical procedure. And the word mutilation added into the definition is by design, to be able to capture those acts that are not precise and yet still have tremendously harmed a girl. The word mutilation is put into the definition by design, so that a perpetrator will not be able to escape prosecution and get off on a technicality. I strongly oppose this amendment. Thank you.

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

Representative **SANDERSON**: Madam Speaker, may I request permission to pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **SANDERSON**: Thank you. I'm just asking for a little bit of clarity. Is the word mutilation contained in federal law, or is it in state law that we are trying to propose now?

The SPEAKER: The Representative from Chelsea has posed a question through the Chair to anyone who might be able to answer. The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you for the question, Representative Sanderson. The federal law uses the three words I described. It does not include the word mutilation. Several states are now including the word mutilation in their definitions to try to address this problem. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "C" (H-755) to Committee Amendment "A" (S-446). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 598**

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

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

Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, Nadeau, O'Connor, Ordway, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Austin B, Battle, Campbell, Cebra, Guerin, Hamann, Harvell, Parry, Sherman, Theriault.

Yes, 73; No, 68; Absent, 10; Excused, 0.

73 having voted in the affirmative and 68 voted in the negative, with 10 being absent, and accordingly **House Amendment "C" (H-755) to Committee Amendment "A" (S-446) was ADOPTED.**

Representative COREY of Windham **PRESENTED House Amendment "A" (H-753) to Committee Amendment "A" (S-446)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Madam Speaker, Men and Women of the House, this amendment is intended to criminalize a person who knowingly transports a female under 18 years of age out of state for female genital mutilation. This is also known as vacation cutting.

Imagine being a little girl, having the chance to return to your family's homeland, meeting the relatives, but not realizing there is an ulterior motive for this trip. Female genital mutilation is on the agenda and a perfect opportunity for those who brought you there to escape the reach of the law. Rather than returning with trinkets and souvenirs, you've left your flesh behind and return subjugated, unequal to men, disfigured, and without the ability to enjoy sex, something I imagine many in this chamber take for granted. Unimaginable. Let's not leave an obvious escape clause in our law that allows the perpetrators of this act to avoid accountability. Please join me in putting this protection in place for Maine's at-risk girls. Thank you.

Representative HERBIG of Belfast **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-753) to Committee Amendment "A" (S-446).**

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 Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. I have a question because that amendment says it is to be attached to Committee Amendment "A" and that is not in this bill that we just passed. So, does that actually belong?

The SPEAKER: The Chair would answer that this amendment is intended to be attached to Report "C" Ought to Pass as Amended by Committee Amendment "A," which is the report in front of us.

A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-753) to Committee Amendment "A" (S-446). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 599**

YEA - Austin S, Bickford, Black, Bradstreet, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Haggan, Hanington, Hanley, Harrington, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, Nadeau, O'Connor, Ordway, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson,

Seavey, Simmons, Sirocki, Skolfield, Stanley, Stetkis, Stewart, Strom, Sutton, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

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

ABSENT - Austin B, Battle, Campbell, Cebra, Guerin, Hamann, Harvell, Hawke, Parry, Sanderson, Sherman, Stearns, Theriault.

Yes, 63; No, 75; Absent, 13; Excused, 0.

63 having voted in the affirmative and 75 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-753) to Committee Amendment "A" (S-446)** was **NOT ADOPTED**.

Subsequently, Representative COREY of Windham **PRESENTED House Amendment "B" (H-754) to Committee Amendment "A" (S-446)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, this amendment is intended to criminalize a person who consents to female genital mutilation of a female under 18 years of age. Why is this important? The average child on which FGM has been performed is 4-14 years old. Sometimes the child is blindfolded or very young. This makes it difficult for the victim to identify the person that has been holding the cutting device, which is often a simple implement such as a razor. The girls frequently know who is caring for them before, during, and after the cutting, who would need to be held responsible. Keep in mind that the law we just passed extends the statute of limitations to age 25. You may have been told that people that have consented can be charged through the accomplice statute. Under the report that just passed, without the cutter to charge, good luck using the accomplice statute to charge the people who consented to and arranged for the act in the first place. Without an arrest of the cutter, there is no justice for the victim. Please join me in putting this protection in place for Maine's at-risk girls.

Representative HERBIG of Belfast **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-754) to Committee Amendment "A" (S-446)**.

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 Adoption of House Amendment "B" (H-754) to Committee Amendment "A" (S-446). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 600**

YEA - Austin S, Bickford, Black, Bradstreet, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Haggan, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, Nadeau, O'Connor, Ordway, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson,

Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

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

ABSENT - Austin B, Battle, Campbell, Cebra, Guerin, Hamann, Harvell, Parry, Sherman, Theriault.

Yes, 66; No, 75; Absent, 10; Excused, 0.

66 having voted in the affirmative and 75 voted in the negative, with 10 being absent, and accordingly **House Amendment "B" (H-754) to Committee Amendment "A" (S-446)** was **NOT ADOPTED**.

Subsequently, **Committee Amendment "A" (S-446) as Amended by House Amendment "C" (H-755)** thereto was **ADOPTED**.

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

**Senate Amendment "A" (S-454)** was **READ** by the Clerk and **ADOPTED**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by , Committee Amendment "A" (S-446) as Amended by House Amendment "C" (H-755)** thereto and **Senate Amendment "A" (S-454)** in **NON-CONCURRENCE** and sent for concurrence.

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

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The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Stewart.

Representative **STEWART**: Thank you, Madam Speaker. Permission to speak on the record?

The SPEAKER: My apologies. Would the Representative please repeat that?

Representative **STEWART**: Yes, Thank you, Madam Speaker. Permission to speak on the record?

The SPEAKER: The Representative may proceed on the record.

Representative **STEWART**: Thank you very much. Ladies and Gentlemen of the House, I'd just like to call attention to the fact that this week is National Crime Victims Week. Americans broadly, and Mainers specifically, are the victims of 20 million crimes each year that affect our neighbors and communities. We know that it is essential that we engage a broad array of healthcare providers, community leaders, faith organizations, educators and businesses and provide new links between victims and services that improve victim safety, healing, and access to justice.

We know that residents across Maine are dedicated to strengthening victims and survivors in the aftermath of crime,

building resilience in our communities and our victim responders, and working for justice for all victims and survivors.

I applaud the work of our institution -- I applaud the work that our institution has done in this regard, seeking to strengthening constitutional and statutory rights for victims of crimes in Maine. I'd also like to mention the significant work of law enforcement, victims' advocates, many legislators and others on the Marcy's Law legislation this session. It is my hope that someday we can support constitutional rights for victims here in Maine, and I urge us to continue to consider this in the future.

Finally, I would just like to make sure that we recognize the importance of this week, National Crime Victims Week, as we adjourn today. Thank you very much, Madam Speaker.

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On motion of Representative TEPLER of Topsham, the House adjourned at 4:28 p.m., until 10:00 a.m., Friday, April 13, 2018, in honor and lasting tribute to the victims of the Holocaust.