

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
SECOND REGULAR SESSION
31st Legislative Day
Monday, April 9, 2018

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

Prayer by Reverend Rick Stoops, First United Pentecostal Church of Augusta.

National Anthem by Glenburn Elementary School Chorus.

Pledge of Allegiance.

Doctor of the day, Romeo Lucas, D.O., Cumberland.

The Journal of Thursday, April 5, 2018 was read and approved.

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

REPORTS OF COMMITTEE

Refer to the Committee on Education and Cultural Affairs Pursuant to Joint Order

Representative KORNFIELD for the **Joint Standing Committee on Education and Cultural Affairs** on Bill "An Act To Repeal Proficiency-based Diplomas"

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

Reporting that it be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** pursuant to Joint Order 2017, H.P. 1323.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent for concurrence.

Refer to the Committee on Education and Cultural Affairs Pursuant to Resolve

Representative KORNFIELD for the **Joint Standing Committee on Education and Cultural Affairs** on Bill "An Act To Implement Certain Recommendations of the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services"

(H.P. 1339) (L.D. 1902)

Reporting that it be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** pursuant to Resolve 2017, chapter 26, section 7.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent for concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Authorize Tribal Gaming"

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

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

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

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

COMMUNICATIONS

The Following Communication: (H.C. 488)

STATE OF MAINE

CLERK'S OFFICE

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

April 9, 2018

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Energy, Utilities and Technology

L.D. 1700 An Act To Protect Maine Residents and Businesses from Rising Electricity Costs

Health and Human Services

L.D. 1097 An Act To Develop and Distribute Work Training Pamphlets To Educate State Agencies, Private Businesses and Other Organizations about Dementia

Sincerely,

S/Robert B. Hunt

Clerk of House

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

The Following Communication: (H.C. 492)

STATE OF MAINE

OFFICE OF THE STATE AUDITOR

66 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0066

Letter of Transmittal

Honorable Michael D. Thibodeau

President of the Senate

Honorable Sara Gideon

Speaker of the House

Honorable Paul R. LePage

Governor of Maine

I am pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2017. The audit was conducted in accordance with *Government Auditing Standards*, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our audit complies with 5 MRSA §243 and is also a prerequisite for the receipt of Federal financial assistance. During fiscal year 2017, \$3.0 billion in Federal financial assistance was received by the State of Maine.

This document contains the following reports and schedules:

- Independent Auditor's Report
- Basic Financial Statements, Management's Discussion and Analysis, Notes to Financial Statements, and Required Supplementary Information
- Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters based on an Audit of Financial Statements performed in accordance with *Government Auditing Standards*
- Independent Auditor's Report on Compliance for Each Major Program and on Internal Control over Compliance Required by the Uniform Guidance
- Schedule of Expenditures of Federal Awards
- Schedule of Findings and Questioned Costs
- Financial Statement Findings
- Indexes to Federal Program Findings
- Federal Findings and Questioned Costs
- Corrective Action Plan
- Summary Schedule of Prior Audit Findings

On behalf of the Office of the State Auditor, I thank employees throughout Maine Government who assisted us during the audit.

Please contact me if you have questions or comments about the 2017 Single Audit of the State of Maine.

Respectfully submitted,

S/Pola A. Buckley

State Auditor

March 30, 2018

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

The Following Communication: (S.C. 963)

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

April 5, 2018

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

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

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, Daniel Brennan of Winslow for appointment as the Director of the Maine State Housing Authority.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Kathy and Jeff Corey, of Waterville, proprietors of Day's Jewelers, who have received the Distinguished Community Service Award from the Mid-Maine Chamber of Commerce. We extend to them our congratulations and best wishes;

(HLS 1089)

Presented by Representative LONGSTAFF of Waterville.

Cosponsored by Senator CYRWAY of Kennebec, Representative MADIGAN of Waterville.

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

READ.

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

In Memory of:

Lou Nerren, of Raymond, a teacher and a veteran of the United States Marine Corps. After teaching physical education and mathematics in Maryland, Ms. Nerren served in the Marine Corps as a Procurement Specialist from 1950 to 1953, attaining the rank of Staff Sergeant. For 13 years, she taught in Raymond and Windham, encouraging in her students a love of mathematics and the empowerment of youth. She also owned Cottage Industries of Raymond. Ms. Nerren will be long remembered and sadly missed by her family and friends;

(HLS 1105)

Presented by Representative FAY of Raymond.

Cosponsored by Senator DIAMOND of Cumberland, Representative AUSTIN of Gray.

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

READ.

The **SPEAKER:** Before we continue, a reminder to everyone in the Chamber that the House is in order. The Chair recognizes the Representative from Raymond, Representative Fay.

Representative **FAY:** Thank you, Madam Speaker. I'm going to try to get through this without spilling salt water on my desk.

On March 5th, my friend, Marine Corps Staff Sergeant Lou Nerren, passed away at the Maine Veterans Home in Scarborough. Lou was born in Mississippi in 1923, and in addition to working on the family cotton farm, she found time to play basketball and was on the state championship basketball team from Benoit High School. She went on to graduate from Penn State and teach physical education and math before she joined the Marines in September of 1950. She met her future husband, Sam Cummings, at Parris Island and after living all over the world, they settled in Raymond and Windham -- I'm sorry, they settled in Raymond when Sam retired. Lou then began a 13-year teaching career in Raymond and Windham, encouraging the love of math and the empowerment of youth. She remembered and stayed connected with many former students even in her last years.

Lou had many roles and passions in her very long life. She was a seamstress, an audio mixer, a centering prayer practitioner and advocate at Church of the Nativity in Huntsville, Alabama, a store owner, a teacher, a mentor, a mom, and a friend, and a lover of Labrador retrievers. Lou

suffered from macular degeneration but she never let that slow her down; changing from reading to audio books from the Maine State Library, and sewing fleece blankets right up until she died. Lou kept playing her weekly bridge game and dominated at poker and bingo. Her resilience and ability to adapt to adversity, to keep going, and finding new ways to achieve her goals was her gift to those of us who knew her.

Lou was excited about being honored by the Remember Me project of the Maine Healthcare Association which features photographs and biographies of pioneering, innovative, and interesting residents living in Maine's long-term care facilities. That exhibit starts tomorrow. In her obituary, her daughter, Jani, suggested that we honor Lou's spirit by keeping kindness and joy and hope in our hearts. I think this is the perfect way to celebrate an amazing woman. Thank you, Madam Speaker.

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

In Memory of:

Betty McDermott, of Raymond. Ms. McDermott served the Town of Raymond on the Select Board for 3 terms, from 1997 to 2006, including as Chair, and as a member of the Select Board was the representative to Tassel Top, the Cemetery Committee, the Raymond Village Library and the Veterans Memorial Committee. She also served the town as Election Warden and as an Election Clerk for many elections and was on the Town Office Renovation Committee. Ms. McDermott will be long remembered and sadly missed by her family and friends and fellow citizens;

(HLS 1106)

Presented by Representative FAY of Raymond. Cosponsored by Senator DIAMOND of Cumberland, Representative AUSTIN of Gray.

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

READ.

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative Fay.

Representative **FAY**: Thank you, Madam Speaker. March was a really hard month in Raymond. We lost two amazing women, who each made incalculable contributions to our town.

Betty McDermott, who was born at home on the Penny Road in New Gloucester in 1934. Betty was a wonderful mom to her devoted children. She was a wonderful grandmother and wife. Family was the most important thing to Betty, and she would use any excuse she could think of to get everyone together. She was especially looking forward to celebrating the 50th wedding anniversary of her marriage to her husband, Frank, this coming August, and the family will be celebrating that.

Betty McDermott cared deeply about her community. I'm not sure the first time I met her, but I remember fondly her strong leadership of the Raymond Select Board. Betty had the courage of her convictions. She was a wonderful example of what a community leader should be. Betty was firm yet kind, and had great energy and ideas. Even when her arthritis slowed her down, she was always willing to make phone calls and write letters on behalf of important issues or candidates she supported. Throughout her years as a Raymond resident, she was active in numerous civic affairs. For 33 years, she was the treasurer of the Raymond Women's Club, which built and supported the Raymond Village Library. She was a charter member and served as treasurer for the Raymond Lions Club, and received the National Melvin Jones Lions

Award in 2007. Additionally, she was deeply involved in the Raymond-Casco Historical Society as a charter member and served as their treasurer as well. She was active in town politics, serving on the Appeals Board for 15 years, as Ballot Clerk and Election Warden for 22 years, selectperson for nine years, two terms as chair. She was also a member of the Hawthorne Garden Club. For several years, Betty was employed at Windham High School as a teacher's aide and attendance officer, where she made lasting friendships with many of the young students there. Betty will be greatly missed by her community. Her shoes will be impossible to fill. It's an honor to share a piece of her story here today. Thank you, Madam Speaker.

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

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Authorize the Public Utilities Commission To Determine the Amount of the E-9-1-1 Surcharge"

(S.P. 615) (L.D. 1671)

Signed:

Senator:

DION of Cumberland

Representatives:

BERRY of Bowdoinham
COOPER of Yarmouth
DeCHANT of Bath
RILEY of Jay
RYKERSON of Kittery
SANBORN of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-436)** on same Bill.

Signed:

Senators:

WOODSOME of York
CUSHING of Penobscot

Representatives:

HANLEY of Pittston
HARVELL of Farmington
O'CONNOR of Berwick
WADSWORTH of Hiram

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-436)**.

READ.

Representative BERRY of Bowdoinham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

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

This bill came to the EUT Committee from the Public Utilities Commission in an effort to lower the E-9-1-1 service fee on all wireless and landline telephone bills. The reason for this request was that there is now in place a new next gen system that is very efficient, thus was a surplus of revenue and more money than needed coming into the 9-1-1 account. Now, this is certainly good news that I think we can all appreciate.

This Minority Report seeks to lower -- the Minority Report seeks to lower all wireless phone bill E-9-1-1 surcharge costs from 45¢ to 40¢. And if you have a lot of phone lines, that can be a significant savings over the year. This still leaves about 3 cents extra to continue to raise revenues for future E-9-1-1 services that may be determined when the legislative body does a full review of police services in 2019. The majority of the surplus will remain in the E-9-1-1 account to ensure there is money there if any of the existing public safety answering points in Maine need future investments, similar to a rainy-day fund.

The Minority Report takes \$1 million and puts into a fund offering grants to municipalities to encourage the consolidation of dispatch centers into existing public safety answering points. I worked with Maria Jacques and Paulina Collins from the Maine PUC on this issue, and tried to assist in the consolidation of dispatches into PSAPs, public safety answering points, in the past as well as in the present. It was thought that the consolidation would happen naturally, however it has not, because it can be very costly for municipalities to do so and their budgets are often stretched thin. It should also be noted that when there is a PSAP in a dispatch center in specific areas, it can potentially increase the 9-1-1 emergency call time to get help to those in need anywhere from two to four minutes. This is something we should all be concerned about.

This effort could help many communities from all over Maine, such as Kittery and Eliot, the PSAP is currently in the York PD, South Berwick and Berwick, and that is also the York PD, Lisbon, Durham, Bangor, is actually giving up their PSAP status as of June 1st, and Ellsworth PD, Hancock County, quite a few from across the state. Bucksport is a dispatch-only center that's lost its mill. Consolidation could be considered with Hancock. There are many other examples of towns receiving PSAP services from one place and being dispatched by one or more centers, particularly in Kennebec County. Waterville PD, Augusta PD, and Winthrop PD dispatch for towns other than their own, but none of the three are PSAPs.

This should not be a partisan issue. It's a money-saving, time-saving, and perhaps life-saving issue, and I truly hope that you'll follow my light on this. This actually went under the hammer in the Senate. I guess they thought it was a really great idea. Thank you, Madam Speaker.

The SPEAKER: The Chair will remind all Members not to refer to the actions of the other body.

The Chair advised all members that it is inappropriate to refer to the potential action of the other body in order to influence the vote of the House.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, this is an

idea which came to the attention of the emergency dispatch in my county, in Sagadahoc County, only the day before the hearing, and as a result they were unable to attend. And they happened to be in leadership at the Maine Emergency Number Association. They expressed that the association and a number of dispatch centers around the state have been asking for some time that the PUC provide training for the implementation of 9-1-1 systems, and that that training request has been denied even though the funds are allowed to be used for that purpose.

So, since then, fortunately, I think in large part because of this bill, the PUC has agreed to provide that training. I think it's prudent that we allow the training to go forward, determine what the cost actually will be, and then revisit this conversation around what the rate of the surcharge should be. So, for that reason, at this time, I urge the Members to support the pending motion. Thank you, Madam Speaker.

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

ROLL CALL NO. 577

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

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

ABSENT - Cebra, Frey, Harvell, Herrick, Higgins, Mason, McLean, Sherman, Talbot Ross.

Yes, 75; No, 67; Absent, 9; Excused, 0.

75 having voted in the affirmative and 67 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-731)** on Bill "An Act To Establish Alternative Pathways to the Completion of Secondary School Mathematics Requirements"

(H.P. 1177) (L.D. 1697)

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
SAMPSON of Alfred
STEWART of Presque Isle

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

Signed:

Representative:

TURNER of Burlington

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-731)** 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-731)** and sent for concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-720)** on Bill "An Act To Enable Municipalities Working with Utilities To Establish Microgrids"

(H.P. 190) (L.D. 257)

Signed:

Senators:

WOODSOME of York
DION of Cumberland

Representatives:

BERRY of Bowdoinham
COOPER of Yarmouth
DeCHANT of Bath
RILEY of Jay
RYKERSON of Kittery
SANBORN of Portland

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

Signed:

Senator:

CUSHING of Penobscot

Representatives:

HANLEY of Pittston
HARVELL of Farmington
O'CONNOR of Berwick
WADSWORTH of Hiram

READ.

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

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

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

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

Representative **DEVIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I'll start off by giving you a definition of a what a microgrid is. It's a group of interconnected loads and distributed energy resources with clearly defined electric boundaries that acts as a single controllable entity with respect to the grid, and can connect and disconnect from the universal grid to enable it to operate in both grid-connected and island mode.

So, last October 30th, we had a wind storm that swept through Maine. We experienced 80-mile-per-hour gusts, knocked out power to over 500 million people. It was the biggest outage that Maine has ever experienced. Most power was restored within a few days but a few people had to wait about two weeks, about 10,000 people had to wait close to two weeks. Then on November 10th, another 25,000 people lost power with a second round of gusts. Puerto Rico and Cuba were both hit by a category storm -- category 5 storm, Hurricane Maria, in September. Four months after, nearly half of Puerto Rico was still without power. In contrast, Cuba regained power within a week. Cuba is a series of about 1800 microgrids, and what they do is they disconnect from the major grid and then after the storm passes the microgrids reconnect and contribute power to the universal grid.

Five years ago, Super Storm Sandy left much of southern New England and the Mid-Atlantic dark. Microgrid systems stood out like a beacon in Manhattan. When you flew over Manhattan those areas that had microgrids, some of the hospitals, were lit up while the rest of Manhattan was dark. And it was a -- one of the best advertisements for the benefits of microgrids, which have the capability to island when the wider power grid goes down. Consequently, several states hit by Super Storm Sandy developed ways to create a more resilient grid. These include states like -- these states include Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. I believe if Maine had received the brunt of Sandy, we would've passed LD 57 in 2013, the year after Sandy hit the northeast, like much of southern New England and Mid-Atlantic states.

Just to give you a few other examples of microgrids around the country and the world, Pittsburgh city leaders believe that a microgrid is leading to their energy independence and paving the way for Pittsburgh to withstand the impacts of storms and economic revival. Officials from San Juan have recently reached out to Pittsburgh for advice on rebuilding Puerto Rico's power grid. Buffalo, New York, is experiencing economic

turnaround helped by a growing renewable energy sector. It is being led by a microgrid powering roughly 15,000 homes, under contract to a local utility, Constellation Energy sources.

Microgrids are being constructed all over the world. Microgrids are helping electrify remote villages in Kenya, providing a cost-effective alternative to upgrading transmission lines in Australia and offering solutions to rising levels of intermittent renewable generation in Western Europe. By establishing microgrids, municipalities, communities, and neighborhoods can gain improved control over their electricity supply. The internal energy source to the microgrid may be fossil fuels, biomass, solar, wind, hydro, tidal, locally produced methane, hydrogen fuels, and so on, all combined with ample battery storage. The towns of Eastport and Lubec could use tidal power, as Lubec Narrows has the fastest tidal current in the US.

So, just very quickly, the justification for creation of microgrids in Maine; they lead to reduced operating costs, will be enhanced public safety and public health. Microgrids are especially useful in keeping power on in critical facilities like hospitals, nursing homes, and public safety facilities, i.e. minimizing deaths during outages. Microgrids reduce the likelihood and length of power outages, there's community economic development and resilience, there's increased development of cleaner renewable energy sources. Microgrids can aid the struggling biomass industry. Microgrids can encourage and play a role in economic development.

So, what's driving the interest in microgrids? Costs are falling, so are photovoltaic module costs have generally fallen by more than 75% in the last ten years, and now energy storage solutions are following a similar trajectory. Distributed energy resource deployment is rapidly growing. Demand is rising for electric grid resiliency. Demand for reliability has increased due to more extreme storms, and awareness is increasing. It is important to note experts expect costs will come down further, the cost associated with microgrids will continue to decrease.

Microgrids are not illegal in Maine presently, but existing rules and regulations essentially make it impossible for them to operate in Maine. So, what does LD 257 do? Quite simply, there's language that allows for transmission lines can cross public ways, number one. Number two, it contains two definitions, distributed -- one for distributed energy resources and the other one for microgrids, which is the US Department of Energy definition which I started off by reading to you. Number three, microgrids will be regulated by the PUC. When evaluating a petition to operate a microgrid, the PUC must determine it is the public interest and meet at least seven other criteria. Those criteria are: it produces a maximum of 10 megawatts; 75% of the power generated must come from renewable energy resources; that the group has a financial capacity to operate; it has the technical capacity to operate; there is a relationship between the microgrid operator and consumers of the grid, so that someone willy-nilly can't create a mini microgrid that acts as a utility and sends -- and sends electricity throughout the entire state; and that the microgrid will not negatively affect the safety of the electrical system. Number four, microgrids are subject to oversight by the PUC, particularly on electrical safety and protection of microgrid consumers. There will also be a report that will be due in January of 2020, will report back to the Legislature on microgrids that have been approved, and also any recommendations to improve the existing law.

So, why don't we move forward on microgrid policy now? Microgrids cost millions of dollars to construct and operate.

Present rules and regulations in Maine are preventing companies from investing, designing, permitting, siting, constructing, and operating. I spoke with someone from Stantec this morning. Stantec is a company that helps communities develop for the future, and is very involved with microgrids. He assured me that once this bill becomes law, companies will start to look at Maine differently, and it will lead to investment in microgrids. By passing LD 257, we will be informing companies outside of Maine that we are open for business when it comes to microgrids.

It's important to note there is no fiscal note here. This is not only good energy policy, but this bill encourages economic development, especially in rural areas for the biomass industry, and is also a bill about local control. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. You know, of course there's no fiscal note here, because this would be on the backs of our ratepayers. This is an idea that takes us backwards. Back to 2000 when the State of Maine deregulated transmission and distributions utilities and forced them to sell off their generation assets. Now we have a bill that tries to end-run that decision. This bill allows a utility of up to 10 megawatts or about 7,000 members to own its own generation. I thought we didn't want that. What's next; a bill for CMP to buy their dams back? Please vote against this motion.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Madam Speaker, Men and Women of the House. I wanted to just give an example of what a microgrid is. At a smaller scale, the micro-microgrid is a nanogrid, and every time we have a power outage and you turn on your generator, you are setting up your own little nanogrid, different from the major grid and islanded from the major grid.

A microgrid is a larger scale than this, and it allows resiliency in the grid by disconnecting from the grid when the grid goes down. Now, in an era where we have very extreme weather and when we have threats from cyberterrorism, a microgrid could really save our state, so I urge you to vote for this bill. Thank you.

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

ROLL CALL NO. 578

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

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

Marean, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Cebra, Frey, Harvell, Herrick, Higgins, Mason, McLean, Sherman, Sylvester, Talbot Ross.

Yes, 76; No, 65; Absent, 10; Excused, 0.

76 having voted in the affirmative and 65 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-720)** 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-720)** and sent for concurrence.

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

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: 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 **DAUGHTRY**: Thank you, Madam Speaker. I just wanted to take a moment to stand and recognize students, teachers, and mentors from SkillsUSA. SkillsUSA is a career and technical student-led organization serving over 395,000 high school, college, and middle school students. Today, we have the Maine State SkillsUSA medalists who are being recognized today. These are students who have competed in a statewide competition demonstrating their training from the CTE centers. This is a great organization that helps prepare our students for our 21st century workforce. Thank you.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-729)** on Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children (EMERGENCY)

(H.P. 1304) (L.D. 1868)

Signed:

Senators:

BRAKEY of Androscoggin
CHIPMAN of Cumberland

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
MADIGAN of Waterville
MALABY of Hancock

McCREIGHT of Harpswell
PARKER of South Berwick
PERRY of Calais

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-730)** on same Resolve.

Signed:

Senator:

HAMPER of Oxford

Representatives:

HEAD of Bethel
SANDERSON of Chelsea

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-729)** 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-729)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation"

(H.P. 1274) (L.D. 1832)

Signed:

Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BRADSTREET of Vassalboro
CARDONE of Bangor
GUERIN of Glenburn
JOHANSEN of Monticello
McCREIGHT of Harpswell
RECKITT of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-735)** on same Bill.

Signed:

Representatives:

BABBIDGE of Kennebunk
BAILEY of Saco
SHERMAN of Hodgdon

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Concerning Remote Participation in Public Proceedings"

(H.P. 1273) (L.D. 1831)

Signed:

Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
BRADSTREET of Vassalboro
CARDONE of Bangor
McCREIGHT of Harpswell
RECKITT of South Portland

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

Signed:

Representatives:

GUERIN of Glenburn
JOHANSEN of Monticello
SHERMAN of Hodgdon

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Facilitate Compliance with Federal Immigration Law by State and Local Government Entities"

(H.P. 1275) (L.D. 1833)

Signed:

Senator:

HILL of York

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
CARDONE of Bangor
McCREIGHT of Harpswell
RECKITT of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-723)** on same Bill.

Signed:

Senators:

KEIM of Oxford
WHITTEMORE of Somerset

Representatives:

BRADSTREET of Vassalboro
GUERIN of Glenburn

JOHANSEN of Monticello

SHERMAN of Hodgdon

READ.

Representative MOONEN of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The **SPEAKER**: 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.

For members who haven't reviewed the testimony that was presented at the public hearing, I would like to recap some of the high points and the low points of the two-hour hearing. In my testimony presenting the bill, I cited an analysis by the Federation for American Immigration Reform that estimates Maine's population of illegal aliens at about 5,000 individuals. Madam Speaker, we can argue about that number; it's obviously not precise or exact. But it is consistent with the estimate of 11 million illegal immigrants nationally, a number that's pretty much universally accepted as the minimum, with some credible estimates ranging to upwards of 20 million illegal immigrants currently in the United States. Based on the estimate of 5,000 illegals in Maine, FAIR estimates the cost to state and local taxpayers at \$41 million annually. Since those 5,000 illegals pay only an estimated \$1 million a year in taxes, the net cost to Maine taxpayers is about \$40 million a year.

The **SPEAKER**: The House will be in order. Please afford this Representative the same courtesy you wish yourself when you are speaking. The Representative may proceed.

Representative **LOCKMAN**: Thank you, Madam Speaker. That's a net cost to Maine taxpayers of about \$40 million a year, that's \$22 million for education, \$3 million for healthcare, \$3 million for law enforcement, \$4.5 million for public assistance, and \$8 million for general government services. I invited members of the Judiciary Committee to challenge those numbers if members believed these estimates are unreasonable, but nobody took me up on the offer, Madam Speaker. I didn't get a single clarifying question, much less a challenge to those numbers. My point, Madam Speaker, is that nobody can deny that there is a real and substantial cost to making Maine a magnet for illegal aliens. Illegal immigration is a net drain on the State Treasury. Whatever the cost, it is not zero. And whatever the weight of the financial burden on taxpayers, leaving the door open to illegal immigrants has life and death consequences for Maine people. But none of the Committee members who voted Ought Not to Pass showed any interest in delving into that matter, either. Even after hearing details of two brutal homicides by career criminal aliens --

The **SPEAKER**: The Representative will defer. The Representative is skating very close to the boundaries of questioning the integrity of members of this body. This is a warning. The Representative may proceed.

Representative **LOCKMAN**: Thank you, Madam Speaker. These are career criminal aliens who should've been deported before they had a chance to commit murder. The parade of witnesses who trashed the bill as racist was more concerned about immigrants feeling uneasy or anxious about being deported than with protecting Maine people from violent crime.

In fact, Madam Speaker, I lost count of the number of times that witnesses opposing the bill called the bill racist or xenophobic. Rather than engage with the actual text of the bill, these folks resorted to a slime and smear campaign. They created strawmen and then rhetorically set them on fire. As I listened to these character assassins come before the Committee, I wondered if they were taking the cue from legislative leaders who have called efforts to crack down on illegal immigration blatantly racist. One witness even made the absurd claim that illegal immigrants are more law-abiding on average than American citizens. Never mind the fact that the Social Security Administration reports that 75% of illegal aliens have fraudulently obtained Social Security Numbers, which is a felony. Another witness repeated the often-heard claim that if immigrants fear the police, crimes will go unreported and communities will become less safe. Yeah, right. Tell that to the families of Maine people who have been murdered by criminal aliens.

In any case, there is zero empirical evidence of a so-called chilling effect from local law enforcement cooperation with Immigration and Customs Enforcement, ICE. Moreover, state and local cooperation with ICE will not reduce the number of legal immigrants reporting crimes or coming forward with testimony about being criminalized, as is often claimed. Besides the fact that anonymous tips can be given, there are already a number of programs that allow state and local police to encourage victim and witness cooperation by granting lawful status to illegal aliens who aid in the prosecution of criminals. If illegal aliens provide helpful information to the police, they may qualify for a nonimmigrant visa, which in turn would allow them to apply for permanent legal status in the United States.

The Maine State Police testified in favor of enactment of LD 1833 because they know that when local law enforcement works cooperatively with federal law enforcement, citizens are kept safe. Here's what State Police Major Grotton told the committee: "In the aftermath of a tragedy, it is a frequent criticism of government that information was not shared, efforts were not coordinated, and opportunities to prevent deaths or injuries were missed. Often this is the result of an inability or an unwillingness to share information, collaborate, and coordinate efforts which results in a failure to 'connect the dots.' This bill addresses this issue and ensures consistency across our state."

So, we can choose to heed the advice of the Maine State Police, or we can follow the lead of the Maine ACLU. Who has more credibility, Madam Speaker? In fact, the Maine ACLU argued against passage, and then presented the same lame arguments that were unanimously rejected by a Federal Appeals Court just two days before the Judiciary Committee hearing. The ACLU had sued the State of Texas on behalf of the outlaw towns and cities that harbor illegal immigrants in the Lone Star State, after the Texas Legislature passed a statute similar to the one before us today. Listening to the ACLU lawyers in Committee, I wondered if they had even bothered to read the Appeals Court decision. In the Texas case, the ACLU lawyers had their arguments dismissed as groundless, but their counterparts here in Maine were wading into the same legal quicksand.

Here's the big picture for me, Madam Speaker. So-called sanctuary cities, outlaw entities that I refer to as harboring havens, they really ought to be called the New Confederacy, because they are in open rebellion against the United States just like the slave states that seceded from the Union before the Civil War. The mayors of these cities remind me of

segregationist George Wallace standing in the schoolhouse door defying federal law enforcement authorities.

Portland's ordinance, the city ordinance, forbids police and city employees from inquiring into anybody's immigration status. The ordinance also prohibits city police from sharing information about criminal suspects with federal immigration authorities. Portland's Harboring Haven Ordinance was enacted in 2003, and city leaders boasted at the time that they were following the lead of San Francisco, Los Angeles, New York City, Miami, and Denver. Portland officials admitted at the time that they had not received any complaints that police or other city workers had ever asked anyone about their immigration status. Talk about a solution in search of a problem.

Make no mistake, Madam Speaker, these policies and practices have life and death consequences for Maine people. Forty-nine-year-old Freddy Akoa of Portland was beaten to death in his Cumberland Avenue apartment on the evening of August 9, 2015. Court documents reveal that three assailants beat and kicked him for hours and bashed Akoa in the head with furniture. Akoa had 22 rib fractures from the savage attack, cuts and bruises all over his head and torso, and a lacerated liver when his assailants left him on the living room floor of his apartment. Police found a blood-splattered Bible on the floor next to his head. His body was not discovered until two days later, after his mother contacted building management to let them know she was not able to reach her son. On August 13th, four days after the savage murder, three Portland residents, age 23, 31, and 36, were arrested and charged with murder. With bail set at \$500,000 for each man, they were jailed awaiting trial or a plea. Would anybody be shocked to learn that none of these killers is a US citizen?

Here's another fact I discovered without too much digging. The 31-year-old killer has 33 prior criminal convictions. In fact, the three killers had 68 arrests between them prior to the murder of Freddy Akoa. Their criminal history file is 82 pages long.

Here's the bottom line for me, Madam Speaker. These guys should've been deported long before they had a chance to beat Freddy Akoa to death. If you're not a US citizen, you're here as our guest, and you better be on your best behavior. One strike, you're out. These thugs should've been deported after their first brush with the law, and if the City of Portland had been sharing information with federal immigration authorities, they would've been deported, and Freddy Akoa would still be alive today.

The Akoa murder is not an isolated case. Less than a year ago, the man charged with the murder in 2015 of a teenager in a Portland recording studio pleaded guilty to the murder charge. A judge sentenced Gang Deng Majok to 30 years in prison for the death of Scarborough teen Trey Arsenault. Majok, who also goes by the nickname Bang-Bang, shot Arsenault multiple times in a crowded recording studio in Portland's Old Port. Investigators say Arsenault was an innocent victim just listening to a friend sing when he got caught in the middle of the shooting. Majok is not a US citizen. He came to the United States in 2002. The victim's mother, Nancy Laxson, says she believes Majok should've been deported after committing other crimes. Here's what she said: "I am a nurse, I help everybody, and I think when you do something wrong you don't have the right to be here. It's not fair. If that had happened to him a long time ago, being deported, Trey would still be here, but we can't take back time, so hopefully we can make laws that will help other people."

Once again, Madam Speaker, this is a case of a career criminal non-citizen with a long rap sheet, but because the politicians in Portland handcuffed and muzzled their own police department, federal immigration authorities were never notified. Trey Arsenault would be alive today were it not for Portland's Harboring Havens Ordinance.

LD 1833 would require all municipalities in Maine to comply with federal immigration law, and it would prohibit policies that forbid police officers from initiating an inquiry into anyone's immigration status. Towns and cities that continue to defy federal immigration law by harboring illegal immigrants would face fines of \$500 a day until they come into compliance. These are common sense measures, and I'm frankly surprised at the controversy that's been generated. Enactment of LD 1833 will save lives and it will save money. It will shut off one of the magnets that attracts violent criminal aliens to settle here. Madam Speaker, Fellow Legislators, it's time to make Maine safe again. I urge Members to reject the pending motion. And, thank you, Madam Speaker.

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

Representative **BATTLE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I came to this country in 1960. I was born in Ireland, in an orphanage in Roscrea, Tipperary, and put up for adoption. I got adopted by the Battle family in 1960, brought to Brooklyn, New York, and I grew up in the New York/New Jersey area.

When I was 18, I wanted to join the fire department. I went and filled out an application. On the application is that citizen status. I didn't know I wasn't a citizen. I knew nothing about it. I went to my mother and I asked. She said no, we never put in the paperwork for you, because we didn't know if you wanted to be a citizen here, or if you wanted to go back, or what was going to happen. So, I had to go down and I had to apply for US citizenship. I had to take the test. I was told that if I committed a violation, a federal violation, a felony, excuse me, okay, I could be deported. Obviously, I didn't, but I went through the process of the paperwork and I did the right thing, and I am a naturalized citizen. I actually hold dual citizenship. I'm a citizen of Ireland and a citizen of the United States. Forever and a day, as long as I live, my heart will always be, number one, be US, as a US citizen. I'm very proud of that. And that is why I'm going to support this, because I think it just makes sense. Okay, there are regulations -- they commit an infraction or a minor violation, we don't need a -- we just need to do the right thing. It's when you -- somebody commits a felony, okay, felonies are bad things, really bad. Those are when they need to step in and take the proper action. And I understand, I could be wrong, but my understanding from reading what I read through on the bill, it covers that, so I am going to support this. Thank you.

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

Representative **BEAR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The tribes have a long history and a very successful immigration program, I would submit, notwithstanding an apparent lack of appreciation for it over the many years. I mean, we were approached by a bunch of rebels and decided at that time, terrorists as they were called by the crown, and asked to support them in their revolution against Great Britain; and we're glad we did, of course, they became the most powerful nation on earth. Once terrorists, later the most powerful nation on earth. I was sitting with Mayor McDonald in Lewiston, Maine, and -- with my

grandson, and he was telling me how the immigrants there are successful as to opening businesses where there were vacant offices and spaces, paying taxes; not all citizens, but in the process, and you know who I'm talking about. He didn't consider that either a threat or a problem. Just to provide another perspective, Madam Speaker, so, in considering this bill. Thank you.

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

Representative **GUERIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, the State Police did indeed submit testimony in favor of this bill in the Judiciary Committee. If our State Police force believes this bill is necessary to protect our citizens, I believe we should honor their expertise, as we have done on many other matters, and vote against the pending motion.

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

ROLL CALL NO. 579

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

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

ABSENT - Cebra, Frey, Harvell, Herrick, Higgins, Mason, McLean, Riley, Sherman, Talbot Ross.

Yes, 76; No, 65; Absent, 10; Excused, 0.

76 having voted in the affirmative and 65 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Seven Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-727)** on Resolve, To Support Home Health Services

(H.P. 591) (L.D. 842)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York

DENNO of Cumberland

MADIGAN of Waterville
McCREIGHT of Harpswell
PARKER of South Berwick
PERRY of Calais

Five Members of the same Committee report in Report "B"
Ought Not to Pass on same Resolve.

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

CHACE of Durham
HEAD of Bethel
SANDERSON of Chelsea

One Member of the same Committee reports in Report "C"
**Ought to Pass as Amended by Committee Amendment "B"
(H-728)** on same Resolve.

Signed:

Representative:

MALABY of Hancock

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment
"A" (H-727)** 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-727)** and sent for concurrence.

**CONSENT CALENDAR
First Day**

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

(H.P. 630) (L.D. 902) Resolve, To Increase Access to
Evidence-based Psychosocial Treatment for Children in the
MaineCare Program Committee on **HEALTH AND HUMAN
SERVICES** reporting **Ought to Pass as Amended by
Committee Amendment "A" (H-726)**

(H.P. 824) (L.D. 1187) Bill "An Act To Amend the Child
Protective Services Statutes" Committee on **JUDICIARY**
reporting **Ought to Pass as Amended by Committee
Amendment "A" (H-724)**

(H.P. 1318) (L.D. 1886) Resolve, To Provide Funding for
a Pilot Project To Evaluate and Address the Transportation
Needs of Maine's Veterans Committee on
TRANSPORTATION reporting **Ought to Pass as Amended
by Committee Amendment "A" (H-725)**

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

There being no objection, the House Papers were
PASSED TO BE ENGROSSED as Amended and sent for
concurrence.

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

**ENACTORS
Emergency Measure**

An Act To Develop a Statewide Resource and Referral
Center and Develop Hub-and-spoke Models To Improve
Access, Treatment and Recovery for Those with Substance
Use Disorder

(H.P. 984) (L.D. 1430)
(C. "A" H-715)

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 16 against, and accordingly the Bill was **PASSED TO BE
ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Establish a Task Force To Examine
Agricultural Issues

(S.P. 646) (L.D. 1747)
(H. "A" H-690 to C. "A" S-388)

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. 96 voted in favor of the same
and 41 against, and accordingly the Resolve **FAILED FINAL
PASSAGE**.

Subsequently, on motion of Representative HERBIG of
Belfast, the House **RECONSIDERED** its action whereby the
Resolve **FAILED FINAL PASSAGE**.

Subsequently, further motion of the same Representative,
TABLED pending **FINAL PASSAGE** and later today assigned.

Mandate

An Act Regarding Persons with Mental Illness and
Substance Use Disorders in Jails and Correctional Facilities

(H.P. 679) (L.D. 966)
(S. "A" S-441 to C. "A" H-700)

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

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

Representative **MALABY**: Thank you, Madam Speaker.
This is a -- I'd like to briefly outline what this bill does. It tracks
quite a bit of data for us. It provides information on police
encounters with individuals with mental health or substance
abuse issues. Further, it provides information about
encounters within jails, if you're in our ICMs, again, for -- with
individuals with substance abuse and mental health issues.
And, it gathers information about our prisons. It aggregates
and moves this information forward and centralizes it.
Furthermore, it requires that we use validated risk assessment
tools in original encounter and we use assessment tools when
we encounter individuals with mental health and substance
abuse issues. I think this is a very critical bill. I think we are
operating without a great deal of data. The issues I think that
perhaps challenge some are the fact that it has a small fiscal
note, about 11-1500 the first year and 11,000 year two.
Furthermore, in year three, or the outlying year 2020, it would
begin to require local community jails to forward this
information from their jails to the centralized authority so that
data can be presented. I frankly think, it's my opinion, that
there are a number of mental health organizations and
substance abuse organizations that would be willing to provide

and help centralize that data so that it can be forwarded. I think that we need to make data-informed choices about treatment for mental health and substance abuse, and I think this bill is the beginning of some important functions that we've addressed, some of which we've addressed in the Opioid Task Force, and I ask you to follow my light. I thank you.

Representative HYMANSON of York **REQUESTED** that the Clerk **READ** the Committee Report.

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

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Maine Tax Laws

(S.P. 676) (L.D. 1805)

(C. "A" S-439)

An Act To Expand and Clarify the Areas Subject to Municipal Residency Restrictions for Sex Offenders

(H.P. 1309) (L.D. 1877)

(C. "A" H-709)

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, April 5, 2018, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

House Order, Propounding a Question to the Justices of the Supreme Judicial Court

(H.O. 58)

TABLED - February 20, 2018 by Representative BEAR of the Houlton Band of Maliseet Indians.

PENDING - **PASSAGE**.

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

Representative **BEAR**: Yes, Madam Speaker, Ladies and Gentlemen of the House. I rise to move Passage of House Order 58, and I'd like to speak to my motion.

The SPEAKER: The Representative may proceed.

Representative **BEAR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The needs of our tribal members are on the record and are at -- in certain instances are critical, and the tribe has made efforts over the years, as has other tribes, to try to remedy this, and one of the strategies has been to try to adopt the successes of other tribes and communities and their businesses, both in the state and across the country. Tribal gaming is one such approach that the tribes have consistently attempted to pursue in the State of Maine, and there's good reason for this. There's a lot of support. This House has repeatedly passed tribal gaming bills. In fact, I can't think of even one instance when this body has not approved a tribal gaming bill before it, and I'm very thankful of that.

Having said that, I just want to call attention to what we're faced with here. The question is very simple, but the basis for

it, the justification for it, is not that simple. It requires that the question be important and it requires that the question raise a somber occasion, and I submit, Madam Speaker, that the answer to both of those questions is yes. This is an important question and this is a somber occasion. A somber occasion is one where... we might not be able to get a legal opinion on exactly whether or not the facts here constitute a somber occasion. I believe that the question is a political one and one that is squarely in this chamber, to be asked and answered by way of your vote in support of or opposing it.

So, the reasons why this is important is because, as I said, we have a critical situation relative to other groups in the state: we have health issues; education issues; the budget doesn't cover it; we have housing shortages; we need jobs; and we want to pay our own way. That's the simple response to questions, too, as to why do you want to do this? Why gaming? Well, it creates jobs, it provides training in the business area which we can transfer to a government -- tribal government service quite easily, and back and forth. It will raise critical revenues that will not otherwise be generated in the remote areas where we're located.

The question is about a Supreme Court ruling some 30 years ago, 31 years ago, when it was asked whether or not California could stop tribal gaming because it was impacting gaming plans in that state by nontribal operations. That was essentially the fact situation. And the Supreme Court was very clear. We don't think it's fair, I'm paraphrasing but I have the actual headnote here. The Supreme Court says if a form of gaming is illegal in a state, Indian reservations may not engage in that form of gaming, and if a form of gaming is legal in a state, Indian reservations may engage in that form of gaming. That's the essence of the court ruling that we would be asking the Supreme Court of Maine to provide advice to us, as we have LD 1201, which you've tabled this morning yet to be considered, whether we follow through with insisting on our initial vote, that it be passed, the Minority Report be passed; but at least it'll provide advice. It's not binding. It's legal, it's constitutional, it's according to the rules. We have this right to ask this question of the court if there is an important question if there is a somber occasion. And, this simple question, I believe, will be easy for the court to handle.

I know that this decision has been applicable in all other 49 states. In fact, there are some 400 tribal gaming facilities that rely on this ruling, which prompted a federal law that was passed a year later called the Indian Gaming Regulatory Act, and that's how they've organized across the country. However, it has been thought that the Indian Gaming Regulatory Act would not apply in the State of Maine by virtue of a Settlement Act that occurred 35 -- 37 years ago.

However, it's never been litigated, it's never been asked; the court has never been asked does the Supreme Court ruling still apply in Maine even though the federal law doesn't apply? Well, I don't question that the federal law doesn't apply, however, neither Congress nor a state can say that a Supreme Court ruling does not apply, so... especially if it's constitutional, and that's what the Supreme Court was dealing with. It was the principle that they didn't want Indians panhandling. They didn't want Indians on the street begging. They didn't want Indians having to, you know, suffer or be without while there was a way for them to start businesses equivalent to those that were already licensed in their jurisdictions. That's -- I'm paraphrasing that.

But, let me just go to the impact of this, and why this is somber. It is somber because, more than we realize, tribal and nontribal members of the jurisdiction rely on our succeeding

with our gaming proposal. In fact, some 75-85% of new employees that would be hired by the tribe if the Supreme Court ruling affects our decision to -- for passage of LD 1201 or any other tribal gaming bill. They would stand to benefit more than the tribes in the job sense, because the tribes simply don't have the administrative or technical or business skills to staff out and operate such businesses. But, also, they have similar needs in terms of unemployment. They need jobs.

I have letters which I have circulated to the members that clearly show that there is broad support for tribal gaming in the jurisdictions. I have here from the Town Manager of Houlton, Maine, that "the consensus is that the tribal gaming will create new job opportunities, provide tax relief to local businesses and residents, increase tourism in northern Maine, and provide revenues that will enable the town to maintain and upgrade current infrastructure."

Then we have the Aroostook County Commission by way of an example of how this local support that "on behalf of the Aroostook Board of County Commissioners, I am writing in support of the right of the Houlton Band of Maliseet Indians to operate a casino on tribal lands without the need of a referendum. As you know, gaming is currently widespread and legal in the State of Maine. Aroostook County is in dire need of economic development initiatives to stem the outmigration of our youth and our future. The estimated \$400,000 that the county itself would receive from the proceeds would be earmarked for the jail budget, which is subjected to funding caps," etcetera.

And then here are other letters of support, and I could go on, industry supports that and say that the Maine Legislature should act in favor of this to allow for the beginning of an economic Renaissance for the greater region. By way of example of the kinds of support, the expectation that this would create jobs and increase revenues that are much needed including for administrations at the municipal and county levels. I say that because I've been encouraged by members of this body, in Committee at the Committee level and privately, you know, let's found out what the court might say, you know, that because this is a safer way to go than simply going and getting a declaration, that this is safer in the sense that an opinion from the Supreme Court would not be binding. It would be advisory.

So, it would say that the Supreme Court ruling has limits, that a Supreme Court application in the State of Maine would mean we could not start casinos on nontribal land. The Supreme Court is very specific, and it could only be casinos that were operated by the tribal government and only for the purposes of the programs I described, that they're critical, and that the reason for it is to supplement limited capped budgets, often grant-based budgets that are only a year or two years or three years often at the maximum provided you comply with reporting and work products and what have you.

So, I think it's safer to do it this way than to just go and get a declaration, although one would say why don't you just do that? Well, the reason is I think that it's good manners to try something less than going to court first, and this is the last step. This is it. You -- we have the power to ask the court, as some of you have asked me that we should do, about whether or not the Supreme Court ruling applies, and I think we will benefit if it does, and I believe it does; and court opinions from federal lawyers, practitioners who are very experienced in tribal gaming and in the main legal environment, tribal environment, have already given opinions.

Now, the Attorney General of Maine expressed an opinion two years ago, and it was referred to me recently; and this

letter from another lawyer, Doug Luckerman here, who is an expert in our courts on these issues of the tribal government treaties and gaming, has answered that letter to point out that previous rulings in 1996 with the Passamaquoddy that asked only the question of whether the Federal National Indian Gaming Regulatory Act applied in Maine, that was correct. "That ruling did correctly decide that the NIGA did not apply. However, it did not deal with the question of whether the Supreme Court ruling itself applied." So, here we are asking, together, the court to give us advice on whether in fact the Supreme Court ruling applies so that we can conduct gaming, and limited by the court's position that it's only on tribal land and that it is for government purposes, and that it is for those things that we need to have funded. This is not to have a reckless operation but it is to be consistent, I would urge my fellow members to know, with responsible gaming, if it ultimately results in favorable consideration by this body and the other and by the governor. Who, by the way, the Executive did take time to come and walk through proposed tribal lands that have been developed for gaming, and I believe it's safe to say that there will be discussions, depending on the way the court would rule, with the Chief Executive and we're open, of course, to discuss this with everyone, and not to give up, as this may be the last time I speak in this body, given that this is the end of the term and may be the last issue I'm going to be dealing with directly, anyway.

I just want to emphasize that I certainly appreciate the past support we have received, the consistent support. I don't want to take any more time other than to say this is critical, this is as Chief Commander said in her testimony as Tribal Chief, she said, "from a tribal government perspective, I would like to emphasize that this proposal, tribal gaming, is critical to the health and welfare of the Maliseet tribal people, who currently suffer the highest mortality and unemployment rates in the entire State of Maine. Funds will provide expanded services to our members. It will decrease the need for public assistance and raise the standard of living for people, along with many other residents of Aroostook area." And I think that sums up why this is both a somber occasion and why this is an important question. And we've been consistent, the tribes generally have been consistent, and we've come so close, and I believe that there is broad support.

The question about gaming is not whether or not it should be legalized, it's whether or not it is something that is of benefit to those who are operating it, and certainly we believe it will be for the tribes. I can only speak for my own people, for the Maliseet tribe, but I think the record shows that the chiefs of the Passamaquoddy, Penobscot, and the Micmac have been, despite perhaps some recent ambivalence or some recent frustrations because they have come so close, believing that gaming is good -- good business, and that it will help meet needs that are currently unmet and that result in mortality rates being the highest.

Chief Sabattus, our current chief, just came back from Washington, DC, meeting with Senator Collins, and asking that diabetes grant funding be reinstated and continued and because these are yearly programs. Diabetes is a big problem, diet and what have you, and it's killing people. We need the money, and it's hit or miss as to whether or not that continues to flow. This is a life and death situation. This is somber. This is important. Thank you.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on **PASSAGE**.

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

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

Representative **CHAPMAN**: Thank you, Madam Speaker. Friends and Colleagues of the House, a few weeks ago, I rose in this chamber to make a comment about the separation of the branches of government. And, because the House Order before us at this moment is somewhat unusual, I thought I'd take a moment or two to give a little bit of explanation, procedurally, of how this really works. So I'm going to start by reading one short paragraph in the Constitution of Maine, Article 6, Judicial Power, Section 3. "To give opinion when required by Governor or either branch of the Legislature. The Justices of the Supreme Judicial Court shall be obliged to give their opinion upon important questions of law and upon solemn occasions, when required by the Governor, Senate, or House of Representatives."

This is an example where there is a slight connection between the branches of government, and clearly the purpose of this particular connection is to allow the other branches of government to get some advice from the Justices of the Supreme Judicial Court. Unlike a court decision, which has the force of law and sets precedence, advice from the justices does neither. But, let me explain at least my familiarity with what questions have been brought to the Justices of the Supreme Judicial Court during my tenure here in the Legislature, and what the outcome of that has been. Because, as it might be easily imagined, the Justices of the Supreme Judicial Court are not eager to enter in to the business of the Legislature or the business of the Executive Branch, and so, they review requests of questions that come to them in a very narrow fashion. Just to give an idea of what the recent questions have been, in the 125th Legislature, this body, the House of Representatives, sent a question to the Justices relative to the nature of business relationships vis-à-vis the Treasurer of the State, and the Justices declined to answer the question. Next, the Chief Executive asked a question of the Justices dealing with the relationship of the Attorney General to the Executive Branch relative to hiring of legal help and, again, the Justices declined to answer that question.

In the 127th Legislature, the Chief Executive asked another question of the Chief of the Justices of the Supreme Judicial Court, relative to what the nature was of adjournment by the Legislature relative to the timing of his veto authority. And in that case, the Justices did offer an opinion. You might recall that there were about five dozen laws that whether or not they were enacted and in force or not was in question. And so this rose to a level of both immediacy and importance that the Justices took on that question and provided their advice. And then, finally, in the 128th Legislature we had an instance in which the other body, at the other end of the hall, asked a question of the Justices relative to citizen-enacted legislation around ranked-choice voting. And, again, due to the immediacy and importance of it, the Justices did provide their advice.

Now, finally, let me turn to why I believe the question that is being propounded in this House Order is appropriate for us to ask and why I believe the Justices would take it up. And that is to say, the question really has to do with the application of a United States Supreme Court ruling to what we in the State Legislature are authorized to do. Do we, as a Legislature, have the authority to regulate gaming on tribal land? Can we prohibit it? Can we allow it? Can we regulate it? This is the basic question that we need to know prior to our enacting laws that might seek to prohibit it or allow it or regulate it; and, for that reason, it's both timely and important because this has to

do with the application of the law of the land, case law from the United States Supreme Court, on what we as a Legislature can do. Thank you, Madam Speaker.

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

ROLL CALL NO. 580

YEA - Ackley, Alley, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Casas, Chapman, Collings, Corey, Daughtry, DeChant, Denno, Devin, Doore, Dunphy, Farnsworth, Fay, Fecteau, Gattine, Golden, Grant, Hamann, Handy, Hanington, Harlow, Hickman, Hogan, Jorgensen, Kumiega, Lawrence, Longstaff, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mastraccio, McCrea, McElwee, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Picchiotti, Reckitt, Riley, Rykerson, Sheats, Skolfield, Spear, Stanley, Sylvester, Terry, Tipping, Warren, Zeigler, Madam Speaker.

NAY - Austin B, Austin S, Babbidge, Black, Bradstreet, Campbell, Cardone, Chace, Cooper, Craig, Dillingham, Duchesne, Espling, Farrin, Foley, Fredette, Fuller, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanley, Harrington, Hawke, Head, Herbig, Hilliard, Hubbell, Hymanson, Kinney J, Kinney M, Kornfield, Lockman, Luchini, Lyford, McCreight, O'Connor, Ordway, Parry, Perkins, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sampson, Sanborn, Sanderson, Schneck, Seavey, Simmons, Sirocki, Stearns, Stetkis, Stewart, Strom, Sutton, Tepler, Theriault, Timberlake, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Cebra, Frey, Grohman, Harvell, Herrick, Higgins, Johansen, Mason, McLean, Sherman, Talbot Ross.

Yes, 67; No, 73; Absent, 11; Excused, 0.

67 having voted in the affirmative and 73 voted in the negative, with 11 being absent, and accordingly and accordingly the House Order **FAILED PASSAGE**.

SENATE PAPERS

Resolve, To Recognize the 100th Anniversary of the American Legion on the Capitol Grounds

(S.P. 731) (L.D. 1901)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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

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

Representative **SYLVESTER**: Madam Speaker, permission to speak on the record?

The SPEAKER: The Representative may proceed on the record.

Representative **SYLVESTER**: Madam Speaker, had I been present for LD 257, I would've voted yea.

On motion of Representative HICKMAN of Winthrop, the House adjourned at 12:26 p.m., until 10:00 a.m., Tuesday, April 10, 2018, in honor and lasting tribute to Lou Nerren, of Raymond and Betty McDermott, of Raymond.