

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Special Session**

beginning June 19, 2018

beginning at page H-1739

**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.

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

(H.P. 1327) (L.D. 1894)  
(C. "A" H-782)

- In House, **FAILED OF PASSAGE TO BE ENACTED** on April 18, 2018.

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

TABLED - June 20, 2018 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **FURTHER CONSIDERATION**.

Representative LUCHINI of Ellsworth moved that the House **RECEDE**.

Representative SANDERSON of Chelsea **REQUESTED** a roll call on the motion to **RECEDE**.

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 to Recede. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 682**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, 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, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Perry, Pierce T, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

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

ABSENT - Campbell, DeChant, Devin, Espling, Grignon, Guerin, Head, Herrick, Marean, McLean, Parker, Parry, Reckitt, Simmons, Theriault.

Yes, 78; No, 58; Absent, 15; Excused, 0.

78 having voted in the affirmative and 58 voted in the negative, with 15 being absent, and accordingly the House voted to **RECEDE**.

Representative LUCHINI of Ellsworth **PRESENTED House Amendment "C" (H-796) to Committee Amendment "A" (H-782)**, which was **READ** by the Clerk.

The SPEAKER: The Representative may proceed.

Representative **LUCHINI**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, the amendment before us relates to one particular section of the

errors bill, the section fixing the error related to the Maine Clean Election Fund.

As I'm sure we're all likely aware, in the final budget bill that we passed last session, we included a \$3 million advance transfer to the Maine Clean Election Fund. It was intended to ensure that the program was sufficiently funded during this election cycle. However, as we learned just a couple of months ago, an error occurred in the drafting, creating a negative allocation during fiscal year '19, preventing the Ethics Commission from disbursing Clean Election funds after July 1st, so the money has already been appropriated, however the Commission simply lacks the authority to spend it. The errors bill seeks to fix that error, granting the authority to spend without appropriating any additional money.

In recognizing the position that we find ourselves in, the amendment before us tries to seek something of a compromise. The \$3 million advance from our budget deal has already been transferred into the Clean Election account. The amendment presented today removes \$1 million of that advanced transfer, sending it back to its original date. I can say we feel that it's important to fix this error. As we've seen, we have already over 200 candidates have enrolled in the Clean Election program, with the understanding that it would be sufficiently funded. They've met their standards of qualification and entered into a contract with the state, giving up their right to raise funds traditionally. And, perhaps most importantly, tens of thousands of Mainers have contributed financially in order to see this program succeed.

So, this amendment before us respects the budget deal that we made last July while giving back \$1 million of the advanced transfer. I thank you all for your consideration of this amendment. Thank you, Madam Speaker.

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

Representative **FREDETTE**: Good morning, and thank you, Madam Speaker. I appreciate the efforts of the good Representative from Ellsworth, Representative Luchini. I think we've had many conversations about this in the effort to find a compromise. I don't think that we're quite there yet on this particular amendment. I will be voting against it and ask that you follow my light, and I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-796) to Committee Amendment "A" (H-782)**.

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 Warren, Representative Sutton.

Representative **SUTTON**: Yes, may I have permission to pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **SUTTON**: Does current law allow Clean Election candidates to traditionally fundraise if the fund is dry?

The SPEAKER: The Representative from Warren, Representative Sutton, has posed a question through the Chair if there is anyone who is able to answer. The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, to answer the question: if the fund runs dry, candidates can raise traditionally. However, if we don't fix the error with the negative allocation, we've been advised that candidates would not be allowed to traditionally fundraise to meet their cap.

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

Representative **TIMBERLAKE**: Good morning, Ladies and Gentlemen of the House, Madam Speaker, I just ask that the caucus please follow my light and vote this down, please.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "C" (H-796) to Committee Amendment "A" (H-782). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 683**

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

NAY - Austin S, Black, Bradstreet, Cebra, Chace, Craig, Dillingham, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Haggan, Hanington, Hanley, Harrington, Hawke, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Wood.

ABSENT - Campbell, DeChant, Devin, Espling, Grignon, Guerin, Harvell, Head, Herrick, Marean, McLean, Parker, Parry, Reckitt, Simmons, Theriault, Winsor.

Yes, 78; No, 56; Absent, 17; Excused, 0.

78 having voted in the affirmative and 56 voted in the negative, with 17 being absent, and accordingly **House Amendment "C" (H-796) to Committee Amendment "A" (H-782)** was **ADOPTED**.

**Senate Amendment "A" (S-494) to Committee Amendment "A" (H-782)** was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-782) as Amended by House Amendment "C" (H-796) and Senate Amendment "A" (S-494)** thereto was **ADOPTED**.

On motion of Representative **TIMBERLAKE** of Turner, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-782) as Amended by House Amendment "C" (H-796) and Senate Amendment "A" (S-494)** thereto and later today assigned.

**ENACTORS**

**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)  
(S. "B" S-504 to C. "A" H-712)

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. 110 voted in favor of the same

and 10 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**Emergency Measure**

An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government

(H.P. 652) (L.D. 924)  
(S. "A" S-529 to C. "A" H-790)

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. 121 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.

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

**Emergency Measure**

An Act To Ensure Sustainable Health Care Access in the Jackman Region

(H.P. 1216) (L.D. 1762)  
(S. "A" S-516 to C. "A" H-676)

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. 107 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.

**Emergency Measure**

An Act To Amend the Laws Governing the Issuance of Burn Permits

(S.P. 678) (L.D. 1809)  
(S. "A" S-517 to C. "A" S-417)

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. 114 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.

**Emergency Measure**

An Act To Transfer Funds within the Department of Inland Fisheries and Wildlife

(H.P. 1277) (L.D. 1835)  
(C. "A" H-647; S. "A" S-518)

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. 116 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.