

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

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beginning at page H-1

Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Fowle, Herrick, Malaby, Noon, Theriault.

Yes, 146; No, 0; Absent, 5; Excused, 0.

146 having voted in the affirmative and 0 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 311)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 26, 2015

The 127th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1342, "An Act To Prohibit Unauthorized Custody Transfers of Children."

Far too many legislators make solemn-sounding promises to the voters who elect them, then sweep them aside as soon as they step foot into the exclusive, club-like atmosphere of the State House. Their giddy eagerness to get along with colleagues on both sides of the aisle swiftly supersedes their sworn duty to the people who sent them to Augusta.

This Legislature delayed its responsibilities for five months, negotiated a last-minute budget deal behind closed doors and is now passing bills at breakneck speed, just so they can pack up and go home for the summer. While they are busy high-fiving each other for hastily passing bills they haven't even read, the Maine people are left disenfranchised and without true representation.

Maine voters in last November's election clearly endorsed tax and welfare reforms, but this Legislature has denied them their Constitutional right to debate the issues at the ballot box.

Mainers deserve to know how their elected officials voted on public policies that could affect the future of our state. Therefore, to ensure each piece of legislation gets the widest possible representation in Augusta, legislators will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call.

For this reason, I return LD 1342 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Prohibit Unauthorized Custody Transfers of Children

(H.P. 911) (L.D. 1342)

(C. "A" H-410)

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I just want to share a bit with the chamber what I shared with the committee when this bill

was considered in May. As some of you may know, I am an adopted person. My parents, Hazelle and Minnie Juanita Hickman, may they rest in peace, chose me to be a part of their family when I was a 16-month-old baby named Joseph Bernard White. The story of my adoption reads almost like a soap opera and yet it was typical of a time when young girls went away to have babies in secret, when young girls were coerced to surrender their children for adoption, when young girls, broken-hearted and catatonic, returned to their communities wounded for life.

My birth mother got pregnant on February 14, 1967, while at Oakwood College in Huntsville, Alabama. Her mother did not want her unwed daughter's pregnancy to stain the family name and so she sent her away to live alone in a room on the second floor of a home in Madison, where I was born nine months later. As she recalled, 33 years later, when I showed up on her doorstep unannounced, after a 6-year search to find her, my birth mother told me her story.

"It was like being on death row, son, and I had one last request before they took you away. They weren't supposed to let me, but I demanded that I have a moment with you in the room with no doctors, no nurses, no brothers, no parents, no technicians, no one else. But the laws in the State of Wisconsin forbade such a request. Birth mothers could not see, much less hold their children after delivery if they had already consented to give them up. But I told them that rules were meant to be broken, and who would find out about it anyway? So, I held you in my arms and looked you in your eyes and said, 'You look like just like your father. Someday you will grow up and be a smart man, but I may not get to see any of it because Mommy has to go away now. I have no choice. But I remember the story of Joseph from the Bible. How his brothers sold him into slavery and how he was lost from his fathers and his brothers for all those years. And then he became ruler of Egypt. And during the great famine when his brothers came to get food from him, he recognized them. But he did not let them know who he was. When he finally told them, he told them to go and get Jacob because he wanted to be reunited with his father before his father died. And so they were. And so I name you Joseph because I know that someday you will come back to me. Someday, you will find me. I don't know if I will be living or dead, but I know you will find me. Just as Joseph in the Bible was reunited with his family, so shall you also be reunited with me. Someday. I just know it."

Three days later, Mr. Speaker, I was in foster care. Just over a year after that, my parents came to Madison on a camping trip, picked me up from the foster home, took me back to Milwaukee to join their adopted daughter, my sister, Gina, changed my name to Craig Von Hickman, and the rest is history. As much as I love my parents and my sister, as good as my parents were to both of us, I always wanted to know where I came from. And so when I was old enough to search for my biological parents, I did. I had to. I could not reach my full potential in life without the knowledge of my genesis.

For the past 20 years, I have been involved in adoptee rights issues. In fact, it was this committee, back in 2005, where I first testified before any legislative body on any bill, the bill that would allow adult adoptees access to their original birth certificates, which had been sealed when their adoptions were finalized, just as mine had. Then, as now, Representative Hobbins was a chair of this committee. Throughout my search for my birth parents and my involvement in adoptee rights issues, a disenchanting reality revealed itself to me. For all the talk of doing what is in the best interest of the child, children are not always well served by the institutions that are supposed to protect them, and adult adoptees are treated like second-class citizens by law, by

adoption agency policies in far too many situations. Fortunately, many of these injustices have been corrected, but many more remain.

And so today, I stand before you and ask that you correct another. When my childhood friend, Governor Scott Walker, signed into law last year a bill that would prohibit the unauthorized custody transfers of adopted children to nonrelatives, Wisconsin became the first state in the nation to outlaw what has come to be called rehoming. Now, other states are following suit. It is time for Maine to join them.

Later, you will hear the harrowing experience of a young woman who was rehomed. As with all adoptees, so much of her story unfolded against her will. Imagine being shipped across oceans to a new culture with a new language to become part of a new family, only to have that family decide that they do not want you, and since it is not against the law, that family advertises you on Facebook or Craigslist or some other social media platform and within days you are dropped off to another stranger in a parking lot behind some Walmart somewhere. Yes, this actually happens.

Right now, this scenario would be perfectly legal in the great State of Maine, unless we vote to override this veto which would prohibit such an unconscionable act and make it a crime. To borrow and modify a quote from another legislator on this very matter, children are not furniture to be replaced on a whim. Children deserve stability. Adopted children, especially, deserve the chance to heal so the so-called primal wound of separation from the mothers who pushed them into the world, and to have the opportunity, if they so choose, to discover their origins. We must protect our children.

As with all bills, the devil is in the details and so there may be some kinks that will have to be combed out. But I have faith that under the wisdom of your deliberations, you will craft a piece of legislation that will protect children and families from the outrageous indignity called rehoming and send a clear message to adoptees here and all over the nation that Maine people care about the safety and welfare of all our children. I urge you to pass LD 1342 with a unanimous vote.

Mr. Speaker, the committee did great work on this bill. They amended it so that there would be no unintended consequences and they passed the bill with a unanimous vote. And so, Mr. Speaker, I ask this chamber to do the same thing and vote green. Thank you, Mr. Speaker.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 413V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno,

Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Fowle, Herrick, Luchini, Noon, Sanderson, Theriault.

Yes, 145; No, 0; Absent, 6; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, with 6 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

CONSENT CALENDAR

First Day

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

(S.P. 530) (L.D. 1415) Bill "An Act To Authorize Two General Fund Bond Issues To Improve Highways, Bridges and Multimodal Facilities" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-339)**

On motion of Representative McCABE of Skowhegan, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the **Unanimous Ought to Pass as Amended Report**.

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

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

ROLL CALL NO. 414

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Golden, Goode, Grant, Greenwood, Grohman, Hamann, Harlow, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow,