

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Special Session**

beginning October 23, 2017

beginning at page H-1188

point, so we will run that, and then we are going to take a break while the other body works on the marijuana bill that we will be finally sending them. People can go have dinner and come back. The AFA Committee is going to meet briefly to exempt some of the other things that we worked on today, then we'll come back, finish those items up, hopefully very quickly, and send everyone home for the night. So the good news is that we're going to do these two votes here and then people can have some dinner. I hope that makes people feel a little better.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of Report "A" Ought to Pass pursuant to Joint Order 2017, H.P. 96. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 474**

YEA - Ackley, Alley, Austin B, Bailey, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Cebra, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harrington, Harvell, Head, Herbig, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Sanderson, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Casas, Chace, Chapman, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Guerin, Hanington, Hanley, Harlow, Hawke, Hickman, Johansen, Kinney M, Lockman, Lyford, McElwee, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Babbidge, Bates, Campbell, Gillway, Grignon, Haggan, Herrick, Hilliard, Mason, Moonen, Perkins, Seavey, Sherman, Talbot Ross.

Yes, 84; No, 52; Absent, 14; Excused, 1.

84 having voted in the affirmative and 52 voted in the negative, with 14 being absent and 1 excused, and accordingly Report "A" **Ought to Pass pursuant to Joint Order 2017, H.P. 96** was **ACCEPTED**.

The SPEAKER: I just want to explain the final vote and the difference, because we have determined what the difference is; so the final vote when we retook this vote was 84 in favor and 52 opposed. That is different from the previous vote. The previous vote was 85 in favor, 53 opposed. We have determined that there were two members who were here for the previous vote who voted on opposite sides from each other. So the Representative from Orrington, who was not present for the second vote, his absence brought the number 85 down to 84; and the Representative from Hodgdon, who was here for the first vote but not the second vote, his absence brings the number opposed down from 53 to 52. We are not going to take up another item right now. We are going to make sure that our machines are functioning correctly.

The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: So, I would first of all just caution everyone -- first of all, computers sometimes have problems and we recognize that, you know, the computers

have problems. Sometimes when our kids say, you know, I did that homework assignment and the computer ate it, well, maybe that's true. So, that being said, I think it's very important to recognize, I think, that the work that was done recognizes, I think, a fairly accurate representation of the vote that was taken. I don't think it substantively changes the outcome. What I would say is, I think our work is not done, and it's very important the matters that we do have left, that we come back and finish this work so that we don't have to come back another day, and so, I would urge all of you to come back.

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

**ENACTORS  
Acts**

An Act To Implement Ranked-choice Voting in 2021  
(H.P. 1137) (L.D. 1646)  
(C. "B" H-568)

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

On motion of Representative CHAPMAN of Brooksville was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise simply to say that ranked-choice voting is an idea whose time has come. It's an idea that many of us, here in this chamber, have worked on since well before 2007, when I was first elected. At the end of the day, I think that ranked-choice voting is really about allowing voters to vote their hopes and not their fears. It was the second-highest number of voters that voted for this referendum, of any referendum in Maine history, and so I hope, Madam Speaker, that today we can vote down the Enactment of this bill, and allow the law enacted by voters of Maine to stand. Thank you, Madam Speaker.

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

Representative **HICKMAN**: Thank you, Madam Speaker. Women and Men of the House, in recent days I've been here a lot, and on this very important issue I heard at least four hours of testimony from the people of the state saying, "do not delay, do not repeal." The Enactment vote before us delays and repeals; and we wonder why people come before our committees and look at us as though they want to throw daggers in our eyes. When we do not listen to the people who express their will at the ballot box, and we do not give them the opportunity to have what they ask for, when it comes to the most important thing that we do in a free society, which is have elections. I think that it is incumbent upon us and it's responsible of us in the truest way, to vote this down and at least give the people the Constitutional Resolution that they deserve, in order to amend the Constitution in the way that would allow them to have the election reform that they have told us they want to have; and so I hope, in good conscience, that the members of this body will reject this Enactment vote and do the right thing. Thank you.

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

**ROLL CALL NO. 475**

YEA - Austin S, Black, Bradstreet, Campbell, Cardone, Cebra, Chace, Corey, Craig, Dillingham, Duchesne, Dunphy, Espling, Foley, Fredette, Gerrish, Grant, Guerin, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Hubbell, Johansen, Kinney J, Kinney M, Lockman, Luchini, Lyford, Marean, Martin J, Martin R, McElwee, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Riley, Sampson, Sanborn, Sanderson, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grohman, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Madigan C, Madigan J, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Rykerson, Schneck, Sheats, Spear, Stanley, Sylvester, Tepler, Terry, Tipping, Warren, Zeigler, Madam Speaker.

ABSENT - Babbidge, Bailey, Bates, Bickford, Farrin, Gillway, Ginzler, Grignon, Haggan, Hamann, Herrick, Hilliard, Malaby, Mason, Moonen, Perkins, Seavey, Sherman, Talbot Ross.

Yes, 68; No, 63; Absent, 19; Excused, 1.

68 having voted in the affirmative and 63 voted in the negative, with 19 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act To Amend the Marijuana Legalization Act" (EMERGENCY)

(H.P. 1139) (L.D. 1650)

**PASSED TO BE ENGROSSED** in the House on October 23, 2017.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-345) in NON-CONCURRENCE**.

Speaker GIDEON of Freeport moved that the House **RECEDE AND CONCUR**.

Representative HERBIG of Belfast **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Newport, Representative Fredette.

Representative **FREDETTE**: Yes, thank you, Madam Speaker. If I could just clarify for my understanding, if I could ask a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: So, my understanding would be, Madam Speaker, is that the Emergency Enactor was taken

off this bill in the other body, the other end of the body, is that correct?

The SPEAKER: The Chair would answer in the affirmative. Representative **FREDETTE**: Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 476**

YEA - Ackley, Alley, Austin B, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Campbell, Cardone, Cebra, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Handy, Harrington, Harvell, Head, Herbig, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Sanderson, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Casas, Chace, Chapman, Corey, Craig, Dillingham, Espling, Foley, Fredette, Gerrish, Guerin, Hanington, Hanley, Harlow, Hawke, Hickman, Johansen, Kinney M, Lockman, Lyford, McElwee, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Babbidge, Bailey, Bates, Bickford, Farrin, Gillway, Ginzler, Grignon, Haggan, Hamann, Herrick, Hilliard, Malaby, Mason, Moonen, Perkins, Seavey, Sherman, Talbot Ross.

Yes, 81; No, 50; Absent, 19; Excused, 1.

81 having voted in the affirmative and 50 voted in the negative, with 19 being absent and 1 excused, and accordingly the House voted to **RECEDE AND CONCUR**.

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

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**Non-Concurrent Matter**

An Act To Encourage Regional Planning and Reorganization

(H.P. 242) (L.D. 328)

**PASSED TO BE ENACTED** in the House on May 18, 2017. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-150)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-150) AS AMENDED BY SENATE AMENDMENT "A" (S-344)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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

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