

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Regular Session**  
beginning December 7, 2016

pages 1 -

121 having voted in the affirmative and 22 voted in the negative, with 7 being absent and 1 excused, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-14)** on Bill "An Act To Determine When the Remains of Deceased Persons May Be Considered Abandoned"

(S.P. 69) (L.D. 223)

Signed:  
Senators:

BRAKEY of Androscoggin  
CHIPMAN of Cumberland

Representatives:

HYMANSON of York  
CHACE of Durham  
DENNO of Cumberland  
HAMANN of South Portland  
MADIGAN of Waterville  
MALABY of Hancock  
PARKER of South Berwick  
PERRY of Calais

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

Signed:  
Representative:

HEAD of Bethel

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-14)**.

**READ.**

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

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

Representative FREDETTE: Thank you, Madam Speaker. Madam Speaker, just as a matter of Order and Due Course, as we're taking up the divided reports, I would ask -- I question whether or not there is a quorum in the building. So, I would simply ask that there be a roll call prior to taking up divided reports. So, a quorum call. Thank you.

The same Representative inquired if a Quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-14)** 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" (S-14)** in concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-17)** on Bill "An Act To Require State Compliance with Federal REAL ID Guidelines"

(S.P. 92) (L.D. 306)

Signed:  
Senators:

COLLINS of York  
MIRAMANT of Knox  
ROSEN of Hancock

Representatives:

McLEAN of Gorham  
AUSTIN of Skowhegan  
BRYANT of Windham  
CEBRA of Naples  
GILLWAY of Searsport  
PARRY of Arundel  
PERKINS of Oakland  
SCHNECK of Bangor  
SHEATS of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-18)** on same Bill.

Signed:  
Representative:

GRANT of Gardiner

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-17)**.

**READ.**

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

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative McLEAN: Request permission to speak to my motion?

The SPEAKER: The Representative may proceed.

Representative McLEAN: Thank you, Madam Speaker. This bill that we have before us, LD 306, complies with the federal Real ID law that was passed shortly after the September 11<sup>th</sup> attacks in 2001. For many years now, Maine has opted not to comply with this law because of concerns about privacy. We have requested waivers many years, and we have been granted those waivers from the Federal Government since that time. Unfortunately, this year we're not permitted to get another waiver. And so, we're faced with a question of whether or not we comply with the federal Real ID law, or we throw up our hands and say we're not going to do this.

The Transportation Committee heard lots of testimony about the privacy concerns, but also about the impacts on our constituents if we don't comply. And for me, and a majority of the committee members, the concerns of constituents, the

challenges they would face getting on an airplane or entering a military base, for example, were far greater than the privacy concerns that were aired to the committee. That all being said, I think the privacy concerns that were raised are very important, and we do have a divided report because I do believe that the debate we will have this morning is an important one. As an American, we value our right to privacy, we value the right to not share information or data -- those are important. And while those are important, I feel that we are compelled to comply with this law. I think Maine is put in a very unfortunate situation and I'm disappointed that our Federal Government has put us in this position, but I feel like we have no other choice at this point in time. And so, for those reasons, I urge my colleagues in the House to support this Ought to Pass motion. Thank you, Madam Speaker, and I request a roll call.

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 Gardiner, Representative Grant.

Representative **GRANT**: Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. For 10 years, Maine's political leaders of both parties have been united in their opposition to the federal Real ID law and have refused to sacrifice our citizens' right to privacy to the overreach of the Federal Government. Past Legislatures have resisted turning our state's drivers' licenses into virtual national identity cards. Real ID was a bad law when Congress passed it in 2005, attached to a must-fund Iraq War funding bill, and it is still a bad law. Other states continue to reject it. After a decade of Legislatures before us, telling our congressional delegation that Maine would not comply with this law, there has been no progress in Washington. Maine applied for waivers from the Feds as we waited, in vain apparently, for Congress to act. Fast forward to this January when the Department of Homeland Security turned up the heat on states like Maine that have refused to comply and started denying our people access to federal installations with Maine drivers' licenses as identification. The Feds also announced that next year Mainers won't be able to use their drivers' licenses to board commercial airlines. When talking to my constituents about Real ID, their initial response has gone along the lines of, "Why can't you folks just figure it out? It seems pretty simple." But when I tell them the hoops they're going to have to jump through to get one of these Real ID licenses, and how much it's going to cost, many have said, "How come that isn't being covered in the news?" Under Real ID, license photos must be taken with facial recognition software, and documents, such as certified birth certificates and original social security cards, must be scanned into a database at the Bureau of Motor Vehicles, where it will be kept for seven years. Given the present state of cybersecurity, we cannot assure anyone that this new database will be secure. Worse, Real ID creates an interlinked network where other states' motor vehicle departments and the Federal Government have access to Maine's Bureau of Motor Vehicles database. At any time, with just a rule change, the federal Department of Homeland Security could link all 50 states' databases and voilà, a National Identity Database with no congressional action required. My colleagues on the Transportation Committee have amended the bill that is before us now to give Maine citizens a chance to opt out, so they can choose to have a

Real ID license or a regular one. I know they sincerely think this is a workable solution. But, how confusing is that? How many people after the headline appears tomorrow, "Maine complies with Real ID," will remember that they can't use their regular Maine drivers' license as federal approved identification? How many inconvenienced folks will there be who didn't read all the way to the bottom of the newspaper article, or who forget between now and the time their license needs to be renewed that they will need a passport or passport card to get on a plane if they opt out? And, here's another scary fact, the same federal department who oversees this monster of a law, can at any time change the rules and decree that there won't be any more opting out. Americans have a fundamental right to privacy. Real ID infringes on that right. Let's tell our Representatives and Senators in Washington, once again, to do their jobs. We have sent the message loudly and clearly for more than a decade that we find this law an outrageous transgression on our citizens' right to privacy and a high handed, unfunded federal mandate. Have they successfully ignored us long enough to make us feel we have no choice but to do their dirty work for them? Nearly every one of you I have spoken with dislikes this law as much as I do, but have told me that at this point we have no choice. I cannot accept the notion that we have no choice. We do have a choice. On our desks are red and green buttons that show it is in fact our responsibility to choose. We can choose to protect our citizens' fundamental rights to privacy, or we can allow ourselves to be bullied by the Federal Government. There is a way to both protect our citizens' rights and their ability to conduct their personal and business affairs wherever those affairs take them. We can protect our privacy, push back against the Federal Government overreach, and still meet the needs of our constituents to access commercial flights and federal facilities. There is another alternative, and if we vote this motion down, we can discuss it. Once we go down this road there will be no turning back. Once lost, this precious right to privacy will not be reclaimed. I urge you to put the long-term damage ahead of any short-term inconvenience and reject Real ID once again. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Madam Speaker. I stand in support of the pending motion, and I don't have a script to read to you this morning, but what I do have is 7 years on the Transportation Committee and I want to tell you a little bit about that. Transportation has always been a nonpartisan committee. It's been a fantastic committee to work on, because when you have an issue like this that comes before the Transportation Committee, good people come together and figure out a solution. Senator Diamond sponsored the original bill, I was a cosponsor, happy to do it. Originally, 10 years ago, or eight years ago, when Real ID came up, I was a cosponsor of the bill to prohibit us from doing this. But, 10 years, or eight years, have passed and things have changed considerably, and now we're under the gun. Now under the leadership of Representative McLean and Representative Parry and our Senate members, we've been able to hammer out a compromise, and the beauty of this compromise is it takes care of what the Federal Government needs us to take care of and it also gives the people of Maine an opportunity to say, "No thank you, I don't want to do that." I think it gives us the best of both worlds. I think we're able to get out from a sticky situation where people would be at an airport, unable to travel. And I also think our civil liberties are protected because of the opt out. Driving with a license, we have to remember, is

a privilege, and while we need this to travel, traveling is also a privilege that we need to take seriously. We need to take our security seriously and we also need to take our liberties seriously. I think this compromise has done all of that, and I thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion and in full support of my House Chair. We worked a long time on this. This is an issue that I was, had been, 100 percent against, like Representative Cebra mentioned. But, we really came to the point where, as you look into the Committee Amendment, is, it states the Secretary of State may issue, at the applicant's request, a Real ID compliant license. So technically, I believe it's an opt-in because everybody has the choice if they have this license that's fully compliant or they get the current license at the current cost of the license they have now. If you're someone that does not go into federal buildings or does not travel by plane, you never have to get this license. But I think that Secretary Dunlap, I think, said it perfect right near the beginning, and this was before the amendment, was you have two choices: you can vote yes and take some civil liberties away, or you can vote no and throw your constituents into chaos. And I believe he was absolutely right. But that's also why I believe that by adding the opt-in into this bill we gave every single Mainer a choice. If they would prefer to send their documents to the Federal Government to get a passport or passport card, they have that choice. But, if you're going to get on a plane, starting next year, or if you want to get into a federal building, you're going to need to have one or the other. I also think that it's really important that people realize this. And I think that it will be awhile before you can actually get a compliant Real ID. This will take some time to implement, but if we pass this legislation, as I understand from Homeland Security is, your current license you will be able to still use, but we will be starting the process of coming into compliance. There are currently 45 other states that are either in full compliance or moving towards compliance. Currently there are five, including Maine, that have legislation like we did that prohibit us from issuing Real IDs, and this bill just takes that proportion of the prohibition away and puts it so that the Secretary of State, as I said before, may issue, at the applicant's request, a Real ID compliant license. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Madam Speaker, and People of the House. I rise today in opposition to the pending motion. I rise with a conviction of freedom and a sense of freedom. I think it's important that we do have the freedom of choice, and I was sent here as a voice of people in my community, and I am afraid that this is a bill that is important that we stand up for, that we stand and acknowledge the complexity of the issue while at the same time acknowledging that in our community we have a lot of safety guards and we do have a freedom to make a choice here. I do believe that in our community we have a rich history of diversity. And diversity is important to stand up for. The diversity that we express in our community and on the House floor today, I want to just acknowledge that it is a difficult option that we have today, whether we choose, as a privileged member of the elected body that we are in today, to choose to support this mandate, or if we voice our concerns and vote

against the Real ID law. I think there is more than one way to approach this law, and we do have a voice as a state body, and as a state body, I think it's important that we respect the diversity within our community and that we do not automatically rush to judgment and encourage a type of unfair and unjust profiling, so to speak. Driving is something that's very critical for transportation issues. It is something that we, I'm going to vote against the pending motion because I do feel that we are-- the balance of justice has tipped too fairly, too unfairly, in whichever direction you want us to say, that we do have an interconnected neighborhood and interconnected community, and it's important that we don't automatically judge people, and I apologize for not having a well-formed speech, but I'm going to vote against this pending motion and I appreciate the opportunity to be here to express those thoughts. Thank you, take care.

The SPEAKER: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFELD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. In 1775, Benjamin Franklin said, "Those who give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety." Well, I've always believed in that concept and I think that Mr. Franklin had it pretty well right. However, 200 or more years later, the world has changed. No one could ever envision in 1775 what was going to take place a couple centuries later. Now, I agree with my good friend Representative Cebra and Representative Parry that we need to do something, and I believe that the opportunity to opt in or opt out on this program is sufficient to calm this old fellow's soul and realize that we can move forward and I will support this motion. 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. 27**

YEA - Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Black, Blume, Bradstreet, Bryant, Cardone, Cebra, Chace, Cooper, Corey, Craig, Denno, Dillingham, Duchesne, Espling, Farrin, Fay, Foley, Fredette, Gattine, Gerrish, Gillway, Ginzler, Golden, Grignon, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McElwee, McLean, Melaragno, Nadeau, O'Connor, Ordway, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Riley, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Tepler, Terry, Theriault, Timberlake, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Ackley, Beebe-Center, Berry, Bickford, Brooks, Casas, Chapman, Collings, Daughtry, DeChant, Devin, Dunphy, Farnsworth, Fecteau, Fuller, Grant, Hamann, Handy, Harlow, Hickman, McCreight, Monaghan, Moonen, O'Neil, Reckitt, Stanley, Sylvester, Talbot Ross, Tipping, Warren.

ABSENT - Battle, Campbell, Frey, Rykerson, Spear.

Yes, 115; No, 30; Absent, 5; Excused, 1.

115 having voted in the affirmative and 30 voted in the negative, with 5 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-17)** was **READ** by the Clerk.

Representative **HICKMAN** of Winthrop **PRESENTED House Amendment "A" (H-29) to Committee Amendment "A" (S-17)**, which was **READ** by the Clerk.

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

Representative **HICKMAN**: Thank you, Madam Speaker. I certainly wouldn't have minded if the Clerk kept reading. Because this is an amendment that I think is important, because we have just adopted something that I oppose, but we have adopted it and so I would hope that, even at this late hour, we can do something that will further protect what little bit of privacy we have left. The summary of the bill is what I will read because it states five things. This amendment requires the Secretary of State to provide notice to an applicant for a Real ID compliant drivers' license or nondriver ID card, at the time of application, of the document retention policies of the Secretary of State governing documents provided by an applicant. It prohibits the Secretary of State from providing a document, or a copy of the document, collected in connection with the issuance of a drivers' license or nondriver ID card to a person other than a law enforcement agent. It prohibits the Secretary of State from copying, scanning, or storing a document collected in connection with the issuance of a drivers' license or nondriver ID card, except for a document collected in connection with the issuance of a Real ID compliant drivers' license or nondriver ID card. It clarifies that the Secretary of State may not disseminate social security numbers collected in connection with the issuance of a drivers' license or nondriver ID card. And this would be true for both Real ID and those who opt out. And finally, it provides that the Secretary of State may use biometric technology, including but not limited to retinal scanning, facial recognition, or fingerprint technology, only to produce a Real ID compliant drivers' license or nondriver ID card, but not for the license or an ID card that a person gets when they opt out. According to the Secretary of State, this amendment does not take us out of compliance as we have just voted this Majority Report, and it does no harm to the overall intent of the Majority Report. So, I respectfully ask members of this House to consider this amendment and vote to support it. Thank you, Madam Speaker.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-29) to Committee Amendment "A" (S-17)**.

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 Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Madam Speaker. I wasn't aware of this amendment earlier today, but I voted for the original motion with great sorrow. I feel that the Federal Government has put us into an extremely bad place, where we really have no choice. And I think the House would know that I am certainly always concerned of our privacy issues and government intrusion into our lives, and I think the Real ID really does present that danger. And for that reason I am happy to support this amendment and hope that we will have at least these privacy protections in place at the end of the day. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Madam Speaker. I rise in opposition to the pending motion. I believe that with the

amendment that we did in the committee, that gives everyone the option of not getting this ID card. So, I think that I don't know as I would agree with the good Representative that this would not put us in noncompliance. I really feel that that may be an issue, so I would be voting against this pending motion.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-29) to Committee Amendment "A" (S-17). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 28**

**YEA** - Ackley, Alley, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, DeChant, Devin, Farnsworth, Fay, Fuller, Grant, Grohman, Guerin, Hamann, Handy, Harlow, Hickman, Lawrence, Lockman, Longstaff, Madigan C, Martin J, McCreight, Melaragno, Monaghan, Moonen, O'Neil, Perry, Reckitt, Riley, Rykerson, Schneck, Sheats, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Zeigler.

**NAY** - Austin B, Austin S, Bickford, Black, Bradstreet, Cebra, Chace, Cooper, Corey, Craig, Daughtry, Denno, Dillingham, Duchesne, Dunphy, Espling, Farrin, Fecteau, Foley, Fredette, Gattine, Gerrish, Gillway, Ginzler, Golden, Grignon, Haggan, Hanington, Hanley, Harrington, Harvell, Herbig, Herrick, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Luchini, Lyford, Madigan J, Marean, Martin R, Mason, Mastraccio, McCrea, McElwee, McLean, Nadeau, O'Connor, Ordway, Parker, Parry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sampson, Sanborn, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Madam Speaker.

**ABSENT** - Battle, Campbell, Frey, Hawke, Head, Malaby, Perkins, Spear.

Yes, 48; No, 94; Absent, 8; Excused, 1.

48 having voted in the affirmative and 94 voted in the negative, with 8 being absent and 1 excused, and accordingly **House Amendment "A" (H-29) to Committee Amendment "A" (S-17) was NOT ADOPTED**.

Subsequently, **Committee Amendment "A" (S-17) was ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-17)** in concurrence.

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

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