

# 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 -

percent free and reduced lunch, those districts have very high percentages of students in free and reduced lunch that qualify for disadvantaged funds, and this budget, for once, this budget provides funds targeted to meet the needs of our most disadvantaged youths in our schools, while at the same time, providing property tax relief for our local taxpayers. For me, it doesn't matter if we got here because the debate is about 55 percent, or three percent, or pick your percent. To me, the debate is about, our schools have been facing a critical shortage. Now, I know the argument is, we're seeing declining enrollments. I always like to say it's like deciding to carpool, four of us. One of us decides we don't want to do it any longer. Guess what, the cost of carpooling did not go down because there were less riders; and I think we see that a lot in our schools. They're still faced with enormous challenges. So today, I stand in support for public education in the State of Maine, for funds for disadvantaged youth in rural Maine, and for property tax relief for citizens across the State of Maine. I will support this budget, not with a clothes pin on my nose, but I support this budget enthusiastically. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Lawrence.

Representative **LAWRENCE**: Thank you, Madam Speaker. I would like to pose a question to the Chair.

The SPEAKER: The Representative may proceed.

Representative **LAWRENCE**: Thank you, Madam Speaker. I've been here in the Legislature before. I think I've closed about 12 budgets. I see we're now after four o'clock in the afternoon. I understand the process very well and the timing of everything, and I'd like to know, in Madam Speaker's opinion, if we are indeed at the eleventh hour.

The SPEAKER: The Representative from Elliot has posed a question to the Chair. It is 4:15, the Biennial Budget expires at midnight tonight. You could call the eleventh hour of this day since morning seven hours away, but I would say we are at the eleventh hour.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "C" (H-475) as Amended by Committee of Conference Amendment "A" (H-555) thereto. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 421**

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

NAY - Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Pickett, Pierce J, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom,

Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Chapman, Foley, Ward.

Yes, 87; No, 60; Absent, 3; Excused, 1.

87 having voted in the affirmative and 60 voted in the negative, with 3 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "C" (H-475) as Amended by Committee of Conference Amendment "A" (H-555)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1112) (L.D. 1616) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-556)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

The SPEAKER: The Chair will remind the members to stay close by, chamber at ease.

**ENACTORS**

**Emergency Measure**

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019

(H.P. 281) (L.D. 390)

(CC. "A" H-555 to C. "C" H-475)

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

Representative HERBIG of Belfast **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 Augusta, Representative Doore.

Representative **DOORE**: Thank you, Madam Speaker. Madam Speaker and Members of this House, 26 years ago today, at midnight, the State of Maine shut down. Trust me, we do not want to go there again. In 1991, there were state employees who could not make their mortgage payments, some who could not make their car payments, some who could not, did not have enough money to buy food; they lived paycheck to paycheck. I know, Madam Speaker, because I was there, and I helped prepare the food in Capital Park. We fed many of the same state employees every day. State

employees are not pawns, they are our employees who go to work every day. They do their jobs and they keep this great State of Maine running. Madam Speaker, I believe this body will vote to put this budget on our Chief Executive's desk because, Madam Speaker, I believe our Chief Executive also does not want to punish his state employees and shut down the State of Maine, and I want to give him that chance to sign this budget. Thank you, Madam Speaker.

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

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of this House, this morning I was disturbed by what I thought was the stench of a steaming pile of manure that I considered this biennial budget to be, and I had every intention of voting against it. This afternoon however, at lunch with my beloved, a metaphor originating in the dawn of this nation fell from his mouth, and it never left my mind. "If we don't pass this budget," he said, "we will burn down the plantation." Madam Speaker, no matter how much I abhor the situation that is upon us tonight, no matter how much I despise the process by which we arrived here, no matter how much I detest that the will of the people as expressed at the ballot box just last November will not be honored, I simply cannot participate in such destruction. I am a farmer, Madam Speaker. I build soil, I do not destroy it. And so, if I know nothing else, I know this: a steaming pile of manure will eventually break down, and with the addition of a few amendments, that will turn into a pile of what I call black gold, that smells as earthy and sweet as the forest floor, a pile of black gold out of which the best food in the world will grow; and that, Madam Speaker, at the root, is what all of this is about; making sure that the people of this great state, especially those who serve the public as civil servants, will still be able to put food on their tables. It's as simple as that for me now. We cannot shut down state government; and so, tonight, Madam Speaker, Women and Men of this House, we must vote to keep these doors open. We must vote to keep state government up and running and we must vote to ensure that people can feed themselves and their families. Food is life. Everybody who wants to live needs to eat. Food is life. The time is nigh, let us all come together at last and enact this budget, forthwith. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Madam Speaker, Men and Women of the House. I can't wait for this session to be over. Sometimes it feels like the campaign never ended. It drives me crazy, the legislative process, sometimes. Sometimes we have a difficult time recognizing victory, and victory, in a case like this with a closely divided Legislature that needs to get through a two-thirds budget, is the best outcome we can achieve out of a stalemate, and I think we got there. We have an opportunity to find some closure in a highly contentious and partisan environment that we sometimes find ourselves in. I thank the Lord that we are not like the U.S. Congress. We can actually talk to each other, try to find some middle ground and try to get it done. Yeah, I worry about the state employees, I really do. But I worry about the thousands of businesses that also rely on a stable economy, and a stable economy includes a public sector that we're a part of. If that's unstable, don't expect the rest of the economy to do all that well either, especially for a longer period of time. Some of the people in this chamber walked in with one goal at the beginning of session, and frankly, that was to repeal the three percent surcharge. Now, I'm not going to reveal my own

personal goal on that, but I will tell you my district voted against it by 16 points. So, if I do support this budget, frankly, I am honoring the will of the voters. But that's not the case for everybody. Some people are going to have to hold their noses tighter on this budget than I'm going to have to, and I'm glad I'm not in their shoes, frankly. Personally, I walked into this session to reduce property taxes, and that's what I told my voters when I went around. Yes, I know this is a lot more spending than some people are comfortable with, but at least it's going to schools. We are transferring some of the money that is used out of the property taxes and paying for it out of state taxes, and yeah, some of that is going to come from out-of-staters, the way this budget has been put together. So I am, I think, achieving a goal with this budget of reducing property taxes by transferring some of that burden onto the state taxes. I think that's a win-win for everybody in this body. I think this budget meets in the middle and should be something this chamber can at least live with. I mean, frankly, we may have to do more of this again next year, in fact we always do. No budget... I mean this is my 6<sup>th</sup> budget. I'd hated them all. I hated the one when I was in the minority even more, but I voted for it. And that's going to be the case. We're going to get to do this again next year and the year after. Some of this is going to need fixing, we're going to fight about it again. It's not going to be perfect. But that's what we do. We are the Legislature. We have to work this thing out, not every other two years, but every year, because there are supplemental budgets, so we're going to have this same conversation again. In the meantime, we've got to make sure this part of our economy and our state workers are actually being served by this government that elected us to represent them. I want to be clear: if we pass this budget, there are consequences. Some we know will be felt immediately, some will be a little slower coming. If we don't vote for this budget, renegotiations open again, we start almost from square one. There may be some consensus in here or some thought process that says we're going to start from here and try to improve it. No, we go back to the beginning. Three percent is back on the table. This is not necessarily a good thing for a lot of members here, and I'm not sure how many members on my side of the aisle can keep throwing their own constituents under the bus on something that was very important to some of their constituents. So, we go back to square one and this could take a while, and a shutdown could take quite a while. I think it's easy to think we're going to be able to fix this in a hurry. We've been working on this for weeks. The process hasn't been pretty. It almost never is. I thought the process last session was worse, but at least we got there. So, I'm not going to stand here and tell you that I'm going to hold my nose and vote for this budget, but I know others are; and I understand their duty, and we all have that same duty. So let's close this budget and get out of here. Thank you, Madam Speaker.

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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 422**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Casas, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Gillway, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Herrick, Hickman, Higgins,

Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

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

ABSENT - Chapman, Foley, Ward.

Yes, 87; No, 60; Absent, 3; Excused, 1.

87 having voted in the affirmative and 60 voted in the negative, with 3 being absent and 1 excused, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was 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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The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Since the break, which had been fairly long, there have been a number of rumors in the hall, and I pose the question to you, as the Speaker, or to any member of the House, as to the fact, if it is a fact, that the Chief Executive plans to present us another budget.

The SPEAKER: The Representative from Eagle Lake has posed a question through the Chair as to whether the Chief Executive is sending us another bill, budget bill, to anyone who may answer. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The last couple of days, as negotiations have gone on, and at times we perceived as not in a positive direction for our caucus, we continued to work with and talk to the Chief Executive. The purpose of those conversations were, in fact, to involve the Chief Executive in a process whereby we could pass a budget, and the Chief Executive would, in fact, sign that budget. The process currently passing the budget with two-thirds in each body and then the Chief Executive deciding to hold that bill for 10 days before he decided to veto it, would require, in fact, a 10-day period of shutdown. Our objective here has been to try to involve the Chief Executive in the process so that, in fact, we could bring a budget together that would bring the four leaders together and possibly the Chief Executive, so there could be a possibility of everybody coming together on a budget that the Chief Executive could sign. So there has been an ongoing process in that and I think the... In fact, I would suggest to the body that I was down talking to OFPR in terms of, for example, a budget needs to be scored, and we went down and talked to, for example, Chris Nolan in that regard, and we were told that nothing like that could happen right now, and so we have to

wait, I guess, to a certain point in time until we can move forward with that process. But, in anticipation of the possibility that we might not get the two-thirds, we thought it was responsible to at least have something along this avenue, and so I think it might be helpful, in fact, if there is a document that could be sent down to OFPR that Chris Nolan could, in fact, score, so that we can make an assessment on a possible alternative document. That would be something that would be helpful in some point in time, when/if that's something that the presiding officers might direct the OFPR to do, I think that might become an alternative. So, that's what I would say I know at this point in time. The Chief Executive is wanting to be involved in the process, has continued to try to work on a document that could bring people together and so, I think that's important that we involve him in that process because I think in the end, to the extent that we were able to do that and come to a two-thirds vote, he could then, in fact, sign it and we would not have the conversation of waiting 10 days for him to decide on that. And so, I'm certainly looking forward to the opportunity to meet with the four leaders, to meet with the Chief Executive, and bring everybody together on an instrument where we could all sit down at the table to try to resolve this issue in a way that everybody can move forward in a positive direction. That would be the information I know at this time.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Miss Speaker, I thank the member from Newport for his explanation. I'm not sure I understood the answer. The question was whether or not the Chief Executive was presenting a budget bill, and that can be answered by either yes or no.

The SPEAKER: Has the Representative from Eagle Lake posed the question? The Representative from Eagle Lake, Representative Martin has posed the question. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: So, I think the answer would be in the affirmative, to the extent that we can get the cooperation of OFPR to begin the process of doing some of the work that needs to be done on that. I have gone down twice, today, to engage with OFPR so that we could, in fact, be working on that during the day, and because the requirements to bring that document together would require some cooperation between OFPR, the Revisor's Office, and the Chief Executive's Office, we have been at least working and attempting to have an alternative plan where most of those things can be brought together. We have been told that they could not do that until this process was finished. And so, to the extent that, I would say, to the extent that there is cooperation to do that, then the answer would be in the affirmative.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Madam Speaker, I would like to pose an additional question for clarification purposes.

The SPEAKER: The Representative may proceed.

Representative **MARTIN**: Is it my understanding, at this point, that the Chief Executive has presented the material necessary for the drafting of a piece of legislation? If that's the case, when can we expect, it because at midnight we are going into shutdown. Will we be receiving that before midnight tonight?

The SPEAKER: The Representative from Eagle Lake has posed a question to the Representative from Newport if he cares to answer. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker. I can't answer that question because I believe that the process requires the cooperation of some of the other folks in this building to do that and so, until there's that cooperation to do that the answer is yes. Has there been --

The SPEAKER: The House, the member will defer. The House will be order. The member may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker. My understanding is there has been an LR created in regards to this particular document. But again, it's a document that's partly in process because it does need the cooperation of the Revisor's Office and OFPR. So, I would suggest that to the extent that we can get the cooperation of them, I would suggest that it would certainly happen much faster than if we sat here and continued to have conversations about it.

The SPEAKER: Before we continue, this is obviously an unusual process. The House will be in order while we continue. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Madam Speaker, I am concerned. The legislative staff has worked diligently to present the budget that we have now. They will do whatever is necessary to bring another piece of legislation. In order for that to occur, the material has to be presented to the Revisor's Office. My question remains, has that been done, and if it has been done, when will that be received by the House? If it has not been done, when is that going to be received by the Revisor's Office so the process can begin? I repeat, we are going into shutdown at 12:01. Is that the goal of the minority floor leader?

The SPEAKER: The Representative from Eagle Lake, Representative Martin, has posed a question to the Representative from Newport or anyone else who may answer, about whether the Revisor's Office has received the text for a budget bill. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. And first of all, I would respond to the good Representative from Eagle Lake that it is not my intent to have a shutdown, nor has it ever been my intent to have a shutdown. It has been my intent to bring four caucuses together, along with the Chief Executive, so that we could all work together to pass a budget. That has not happened. The material is, in fact, in the Revisor's Office.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Grohman.

Representative **GROHMAN**: Thank you, Madam Speaker. I just thought that maybe I could try to sum up the situation as I understand it. So, from what I understand, we are in a situation where maybe the Executive was away this week attending to other matters in the national political situation, and has returned now and is wishing to become engaged in this process, and is seeking to present an alternative to the bill that we just voted out, but failed. But, because we have divided government, as we know, just procedurally, that opportunity or that window, it would seem, has been missed, since yourself and other leaders would need to approve the submission of that new legislation and that is not likely to happen. Is that a fair summation?

The SPEAKER: The Chair would answer that the Chief Executive is able to submit a bill anytime he wishes to submit a bill. He does not need the approval of a presiding officer or both presiding officers to do so. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker. Could the leaders approach the rostrum to speak to the Speaker?

The SPEAKER: The leaders will approach the rostrum. The House will be at ease.

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The SPEAKER: The House will be in order. Announcement from the Chair: It appears that a new budget bill from the Chief Executive will be coming forward. This body will remain in this building for the time being. We will adjourn to the sound of the bell while we wait for the bill from the Chief Executive. The House will be at ease.

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The SPEAKER: The House will be in order. Women and Men of the House, it is with amazement, disbelief, and true sorrow that we find ourselves in this position at 12 minutes to midnight on June 30<sup>th</sup>. Two hours ago, and for the first time, most of this body was told about the existence of an alternative budget proposal that the Chief Executive and the Minority Leader had apparently agreed upon or been working upon. Needless to say, I was incredulous that at 9:30 at night, as the state heads toward a shutdown, and as we have experienced two no votes, votes that failed to enact on the budget proposal before us, as incredulous that this was going on. Nevertheless, I was willing to hear out the proposal, because what choice do we have? We are all held hostage here, not just us, but every person in the State of Maine who is affected by the shutdown that I anticipate will occur in a mere 10 minutes. I want to tell you about my utter disbelief when, at this first meeting that happened, I don't know, an hour or so ago, it immediately became clear that there is actually not a budget ready from the Chief Executive to come before us to vote on. There are proposals and ideas that cannot be transformed into a real budget document, ready to vote on, without one or two days of work either by the Governor's Budget Office or by OFPR, who has worked for 48 hours straight on top of weeks of work around the clock or with as little as, if they did sleep, two or three hours of sleep for the past few weeks. I think I probably speak for most of us in this chamber when I say I am embarrassed and sorry that we are going to be putting them in a position to do that work yet again in these next couple of days, most likely based on what will happen with this next vote tonight. And I want to thank them, the non-partisan staff of the Legislature, for their unbelievable dedication and work ethic. There have been some who have tried to say that the Chief Executive has somehow been left out of the budget process. I want to assure you that nothing could be further from the truth. I, myself, have met, or spoken with, the Chief Executive at least five times in the past week alone, and while we were unable to come to an agreement, we did negotiate until the very end, including tonight when the Chief Executive summoned four leaders to the Blaine House. He presented us with a list of demands, and when they weren't all met, and I want to indicate to you that I was willing to work with most of them, almost all of them, he had a temper tantrum. He walked out with the words "Shut her down." I want you all to know tonight that after the Chief Executive's aggressive behavior, specifically towards me, I left the Blaine House, though my three male colleagues chose to stay and continue talking. So, where does that leave us now? A Governor's Bill, I'm guessing, will still be coming. I think we could expect it to arrive in front of us in this chamber no earlier than Monday. I can tell you that in its current form, with its current list of

demands, it will not get the Democratic votes to pass this House. We will be on day three of a shutdown if that vote should occur like that. So tonight, all of us have a choice. It's a choice that I do not envy for many of you in this room, and one that I understand is not of your making. The choice we have is to support the bipartisan compromise that is going to be in front of us one more time tonight, that has just been enacted by our colleagues in the other body with 34 votes in favor and one against. Or we can shut down state government in the hopes that, in some point in the future, another real proposal, or one that 101 of us in this chamber can agree upon, might emerge. And we will do it at the peril of people that we know and care about, or maybe don't know, but I believe that we still care about. So all I can ask as we sit here moments from midnight is that we all look deeply within ourselves before making this choice. As Representatives, we are accountable first not to our party, not to our leadership, not to the Chief Executive, but just to our constituents, to the regular people in Maine. Before you make this choice, I ask only that you take a moment to think of them and the consequences they face because of our decisions. This choice, as difficult and painful as it may be for all of us, is our choice. The last thing I want people to know is that if we leave here tonight without enacting a budget, we will all be here every single day until we do, because that's our responsibility, and eventually we will succeed. On that note, the Chair now lays before the House, Supplement No. 6, Senate Papers Non-Concurrent Matter.

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

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019 (EMERGENCY)

(H.P. 281) (L.D. 390)  
(CC. "A" H-555 to C. "C" H-475)

**FAILED** of **PASSAGE TO BE ENACTED** in the House on June 30, 2017.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

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

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

Representative FREDETTE: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I want to thank the Speaker for the opportunity to meet with her and the other three leaders and with the Chief Executive at 10:30 this evening. The process that brought us here today certainly is an unusual one, one whereby the Minority in this chamber was told some three weeks ago that we were going to vote a budget out of Committee. That's highly unusual because there had been no consensus in the Committee. As a result of that, House Republicans worked diligently and around the clock to create a Report out of the Committee. Appropriations Committee reported four reports out of the Appropriations Committee. One of the reports was Ought Not to Pass by the good Representative from Eagle Lake, Representative Martin. That was a very unusual process, to then create a Committee of Conference; again, a very unusual process to bring about a budget, a consensus budget.

The SPEAKER: The Chair recognizes the Representative from Waterville and inquires as to why she rises.

Representative MADIGAN: I made a mistake, thank you.

The SPEAKER: The member may proceed.

Representative FREDETTE: Thank you, Madam Speaker. The budgets that were voted out of the Appropriations Committee were brought to this body; both of those budgets were voted on and failed. Committee of Conference was created, and it was not a process that I believe the Minority, on this side of the aisle, felt was productive in terms of getting its concerns met, and in addition, to concerns met by the Chief Executive. Now if the concern was that we not be in this posture tonight at this time, then we certainly would be voting on a budget on June 15<sup>th</sup> and not June 30<sup>th</sup>, because whether people like it or not, voting a two-thirds budget out of this body tonight that does not get the signature of the Chief Executive by his choice, and yes, in fact, it is his choice, would, in fact, result in a state government shutdown for at least 10 days, at least. Our four appropriators have worked around the clock; they've been here nights and weekends, oftentimes sitting alone waiting for meetings, but nonetheless worked. And yes, have we worked with the Chief Executive over the last couple of days to figure out a process, a way to get out of here? We certainly have. It was our responsibility to have a plan to move forward, to try to figure out a process out of this with a budget the Chief Executive could sign instead of a budget that is voted out of here with a two-thirds majority that sits on his desk for 10 days; that's our responsibility. And I want to thank the Speaker for taking the time to meet with the Chief Executive tonight, and the other three leaders, and looking at a process and a framework so that this body can have a budget to vote on in the next 24 to 36 hours, and I believe that that is something that is entirely doable. And I can say that I will tell you that the Chief Executive does not want a state government shutdown.

After Midnight

The SPEAKER: The House will be in order. There will be no more outbursts like that from anybody in this chamber. The Representative may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker. That the Chief Executive has no interest in a state government shutdown, that I believe that if we continue to work diligently and hard, most likely through a Committee of Conference, most likely working off the work that has been done by the Committee of Conference to date, that we can come up with a package that will get the support of all four caucuses, that can be voted through the two bodies and signed by the Chief Executive in the next 36 to 48 hours. That would be my hope; and that would mean we would be avoiding a state government shutdown for 10 days, and that is something I am truly committed to doing, I'm sure my appropriators, the appropriators of the House Caucus, are willing to do, and we will be here with our sleeves rolled up and willing to do that. So, with that I would expect there will be -- If I may pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker. My understanding would be that the other body has sent us back a bill and the intention would be to have a motion on the floor to Recede and Concur?

The SPEAKER: The Chair would answer in the affirmative.

Representative **FREDETTE**: Thank you, Madam Speaker. I will suggest that on our side of the aisle, that we continue to work to find a solution that can get the Chief Executive's signature, so that we are not in a posture of having a budget that sits in limbo for 10 days while he holds that bill; that if we vote not to Recede and Concur, that we can then have a Committee of Conference created and work through this process in the next 24 hours and figure out an agreement. So I ask you to follow my light. Thank you, Madam Speaker.

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: 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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 423**

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

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

ABSENT - Chapman, Foley.

Yes, 88; No, 60; Absent, 2; Excused, 1.

88 having voted in the affirmative and 60 voted in the negative, with 2 being absent and 1 excused, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, Representative **HERBIG** of Belfast moved that the House **INSIST**.

The same Representative **REQUESTED** a roll call on the motion to **INSIST**.

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**: Thank you, Madam Speaker. Just a point of order, if I could just ask the Clerk to explain the impact of the Insist motion after a Recede and Concur. If you could explain the vote and what the intent is.

The SPEAKER: A motion to Insist, the Chair would answer that the Representative from Newport, Representative Fredette, the motion to Insist would mean that the House stands by its failure to enact, essentially.

The SPEAKER: The Representative will wait to be called on before asking another question. The Representative may proceed. The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: I am not sure what we're voting on. Our previous vote or the vote before that, Ma'am?

The SPEAKER: The Chair would answer the same way that I answered when the question was posed by the Representative from Newport. A motion to Insist right now is a motion to stand by the vote, which is a fail to enact.

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

**ROLL CALL NO. 424**

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

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Casas, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Gillway, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Herrick, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker,



Perry, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

ABSENT - Chapman, Foley.

Yes, 61; No, 87; Absent, 2; Excused, 1.

61 having voted in the affirmative and 87 voted in the negative, with 2 being absent and 1 excused, and accordingly the motion to **INSIST FAILED**.

Representative HERBIG of Belfast moved that the House **RECEDE**.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. If I may just pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think the confusion is, is just to make sure that our side of the aisle has a proper understanding of the process going forward. What my understanding would be, Madam Speaker, is that there are a couple of motions that we will Recede through with, ultimately, I would suspect, a motion to recommit this to a new Committee of Conference, and that being my understanding, that we would do that without a Roll Call, if my understanding is correct.

The SPEAKER: The Chair would answer in the affirmative, and just specify that the motion before us right now is Recede, and that will put us into the posture where we can ask for a third Committee of Conference.

Subsequently, the House voted to **RECEDE**.

Representative HERBIG of Belfast moved that the Second Committee of Conference Report be **REJECTED** and asked for a **THIRD COMMITTEE OF CONFERENCE**.

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

Representative **BATTLE**: Thank you, Madam Speaker. I'd like to ask a question through the House.

The SPEAKER: The Representative may proceed.

Representative **BATTLE**: Madam Speaker, we have had this Committee of Conference held, okay, and it didn't work out. We had it a second time and it didn't work out. Might there be some consideration to changing some members of this Committee of Counsel for the same actions over and over again? Is it going to change?

The SPEAKER: The Chair will take your question and concerns under advisement.

Subsequently, the Second Committee of Conference Report was **REJECTED** and the House asked for a **THIRD COMMITTEE OF CONFERENCE**. Sent for concurrence.

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

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Reference was made to Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019" (EMERGENCY)

(H.P. 281) (L.D. 390)

In reference to the action of the House on July 1, 2017 whereby it Rejected and Asked for a Third Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative FREY of Bangor

Representative WINSOR of Norway

Representative GIDEON of Freeport

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

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On motion of Representative TUELL of East Machias, the House adjourned at 12:23 a.m., until 12:00 p.m., Saturday, July 1, 2017, in honor and lasting tribute to Winslow S. Durgin, Jr., of Minot.