

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Thirtieth Legislature
State of Maine

Daily Edition

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beginning at page H-200

voting faculty and staff members on the Board. I believe their perspective is critical to the work of the Board and I encourage the Board to review its policies for receiving and acting upon input from current faculty and staff to ensure a thorough and inclusive process.

For these reasons, I return LD 1253 unsigned and vetoed and I strongly urge the Legislature to sustain this veto.

Sincerely,
S/Janet T. Mills
Governor

READ.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge and inquires as to why he rises.

Representative **BABBIDGE**: I would like to ask a question to the Speaker. Having voted on the prevailing side, is it possible to reconsider the question of the veto?

The SPEAKER: The Chair would answer in the affirmative.

Representative **BABBIDGE**: Mr. Speaker, having voted on the prevailing side, I ask to reconsider the previous motion.

The SPEAKER: The Chair would inform the Member that you will have to wait until we are between items in order to make the motion that you're discussing. There's an item before the House currently, item 2-7.

Subsequently, the Communication was **ORDERED PLACED ON FILE.**

The accompanying item An Act To Add a Faculty Member and Nonfaculty Staff Member to the Board of Trustees of the University of Maine System

(H.P. 919) (L.D. 1253)
(C. "A" H-508)

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. 396V

YEA - Alley, Arford, Babbidge, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazza, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hepler, Kessler, Landry, Lookner, Madigan, Martin, Mathieson, McCreia, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Peabworth, Pierce, Pluecker, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Arata, Austin, Bailey, Bernard, Bickford, Blier, Bradstreet, Carlow, Carmichael, Cebra, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Grignon, Haggan, Hall, Hanley, Harrington, Hasenfus, Head, Hutchins, Hymanson, Javner, Kinney, Lemelin, Libby, Lyford, Lyman, Martin J, Martin T, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Perry A, Perry J, Pickett, Poirier, Prescott, Quint, Reckitt, Roche, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Ducharme, Johansen, Kryzak, Matlack, Paulhus, Sharpe, Tuttle.

Yes, 73; No, 71; Absent, 7; Excused, 0.

73 having voted in the affirmative and 71 voted in the negative, with 7 being absent, and accordingly the Veto was **SUSTAINED.**

The Following Communication: (H.C. 187)

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

June 21, 2021

The 130th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 130th Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 1668, *Resolve, To Develop a Plan to Close the Long Creek Youth Development Center and Redirect Funding to Community Integration Services for Adjudicated Youth.*

L.D. 1668 is fundamentally flawed because it forces the closure of the State's only secure confinement option for juvenile offenders before safe and appropriate alternatives will be available. If this bill were to become law, Maine would become the only state in the nation without a secure facility to serve the needs of youth who require detention for some period because they represent a risk to themselves or others in the course of their rehabilitation. Responsible juvenile justice reform also takes into account the needs of public safety. I object to this legislation for its failure to do so.

My Administration has demonstrated deep commitment to bringing necessary change to Maine's juvenile justice system. The Department of Corrections (DOC) has engaged with the 32-member Maine Juvenile Justice System Assessment and Reinvestment Task Force, and collaborated with experts at the Center of Children's Law and Policy and the Juvenile Justice Research and Reform Lab at Drexel University, to identify, develop, and implement a suite of systemic reforms. These include shifting \$6 million in DOC's juvenile budgetary resources to community based programs and services; opening two community-based residences, one for boys and one for girls, as transitional living options for youth returning home after a stay at the Long Creek Youth Development Center (Long Creek); and shifting funding for 14 vacant positions assigned to Long Creek to programs that promote restorative justice, deliver therapy and other wrap-around services, and establish youth advocacy and mentorship programs. DOC has also reworked training curricula and certification standards to provide new focus on adolescent brain development, adolescent trauma, mental health and substance abuse counseling, suicide prevention, and cultural competency, with particular attention to youth of color and LGBTQIA youth.

These initiatives have already shown real results. DOC's expansion of community-based programs and services statewide has undoubtedly prevented numerous at-risk youth from entering the system. And the judges of the Maine District Court, with DOC's active support, are using commitment to Long Creek only sparingly. There are currently only 31 youth detained in that facility, while hundreds of others on are on informal adjustment, probation, or otherwise under court-ordered supervision either before or after adjudication, for whom that supervision is made meaningful because of the existence of

Long Creek. If Long Creek did not exist for those who failed to take the conditions of their release seriously, there would be little incentive to do so.

L.D. 1668 represents a simplistic solution to a complex issue. A more thoughtful and balanced approach is set forth in L.D. 546, *An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force*. L.D. 546, in contrast, takes a constructive approach to holding DOC accountable for the most effective use of the \$6 million in resources the agency has reallocated to community-based programs, enhancing the effectiveness of proven child-serving support systems.

For these reasons, I return L.D. 1668 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Sincerely,
S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item Resolve, To Develop a Plan To Close the Long Creek Youth Development Center and Redirect Funding to Community Integration Services for Adjudicated Youth

(H.P. 1239) (L.D. 1668)

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. As they say, you don't need a weatherman to see which way the wind is blowing today. So, I'm not going to spend a lot of time on this, but I will say that a society is judged on how it treats its children. And this bill is precisely that; this bill is about how we treat our children. You know, some people believe that there's no crying in baseball and I believe that there's no crying in politics and I've always believed that. But I remember that seven years ago when I first joined the Criminal Justice and Public Safety Committee, one of the things that we are charged to do is to go around and tour our facilities of incarceration. We go to a couple county jails and we go to the State prison in Warren and we go to the correctional center in Windham and we go to Long Creek. And I went to Long Creek. And I was supposed to attend a tour after of another facility and do you know that experience where you have a lump in your throat that's so large that you can't even talk to anyone? That's what I had that day. I had that because as I walked around Long Creek and I looked at the children, I looked at the children there and I thought about my babies, my nieces and my nephew that are about that same age, all I wanted to do was sit down and cry. But because I believe that there's no crying in politics, I waited until I got back in my car and I skipped the second tour and I cried all the way from South Portland to Hallowell. And I decided that day that one of the reasons that I was placed on the Criminal Justice and Public Safety Committee was to figure out a way to close that terrible, terrible, terrible place. That place where we say to children, children who have already been failed, children who have been failed by our systems already, we say to them this is what we think you deserve. And I am telling you nobody wants to be in that place.

Again, it doesn't take a weatherman to see which way the wind is blowing today, so, I just will do a couple of things. I will invite our Chief Executive to please meet with the former incarcerated youth that comprise the Maine Youth Justice that wrote this bill. They have asked numerous times. They have come to the State House, they have asked to meet with the Chief Executive. It is their belief that in their sharing of their stories they might be able to move her. I ask that she meet with them and that she hear their stories. Furthermore, I ask that she join

with us on the Criminal Justice and Public Safety Committee. Let's make a plan. Let's move forward. Let's close this place which we are spending over \$600,000 per year per child. A terrible, terrible, terrible place. Let's make a plan together. I almost held up my calendar but I know I'm not supposed to use props so I won't do that, but what this letter doesn't talk about, Mr. Speaker, is it doesn't talk about our children. And that's what we need to do. We need to figure out a way to help the children who have been failed. And that means having a plan to eventually close Long Creek. We wanted that plan for in three years because we all know how it goes around here. If you don't put it in Statute, it's not going to happen. So, I've issued very publicly two invitations to the Chief Executive and I mean them. I hope that we can work together to do the right thing for the children of Maine. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. There's no question about it that no one likes to see young people incarcerated, but there are young people that need to be incarcerated. That's just a fact of life there is. But the bottom line here on this particular veto, Mr. Speaker, is we just heard from my good friend and Representative from Hallowell, extending an invitation to the Chief Executive to meet with us and come up with a plan. Well, there is a plan. A plan that we already are working on, a strategic plan that we discussed. In committee, this was a six to six vote in committee. There is a plan and it's based on another bill from one of the Representatives that sat on the opposite side of the aisle from me in this Body and there is a plan, it's an action, but the reason why this veto is here is because that plan is in action and it's going to go and close Long Creek but it's going to close Long Creek when it's not necessary, but when it is available to be closed in the right manner by using best practices and all of the other things that goes with that. So, that's why we're here today and I will be voting to sustain the veto. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Dillingham.

Representative **DILLINGHAM**: Thank you, Mr. Speaker. May I pose a question for clarification to the Chair?

The SPEAKER: The Member may proceed.

Representative **DILLINGHAM**: As the previous speaker referenced and reading in this veto letter reference actually LD 546. And, just for clarification, was the language of LD 546 included in 7-1, LD 221, which is the budget bill that we voted on?

The SPEAKER: The Representative from Oxford, Representative Dillingham has posed a question to any Member who may care to respond. The Chair recognizes the Representative from Portland, Representative Lookner.

Representative **LOOKNER**: Thank you, Mr. Speaker. I don't rise to answer the question, but you just heard it from the Good Representative from Dixfield that there's a plan to have Long Creek empty within a few short years and this bill is nothing more than creating a plan to close that facility for good. It's not about anything else; it's about making a plan, nothing more, nothing less. And, as you've heard, if the measures are implemented, which the Department of Corrections has already put forward and that this Body has approved, that place is going to be empty. So, why are we dragging our feet when it comes to creating a plan to close this place of trauma and hurt when there are so many other desperately underfunded services like mental health supports for children that are in need of funding?

The State of Maine's entire approach to corrections for youth, which is one of locking them up, is fundamentally flawed and overly simplistic. Locking up children is not a viable approach to building strong adults. It is not a viable approach to preventing crime. In the long run, our current approach of institutionalizing youth is making us less safe, when considering that while institutionalized, that's when most criminals learn their craft. The data shows that people who are institutionalized, including youth, will become more likely to recidivate in adulthood. The Department of Correction is ill-equipped to provide the needed mental, emotional and physical support that juveniles who make mistakes need. If we are serious about providing for public safety, we will invest in housing, mental health services, substance use treatment and educational opportunities for young people, not in institutionalization. Once again, this bill is about making a plan to do so and I am confident that one way or another, we will soon find consensus in the State of Maine about the need to close Long Creek and finally get it done. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Corey.

Representative COREY: Thank you, Mr. Speaker. I rise to answer the Representative from Oxford's question. There's language surrounding the juvenile justice system and reinvestment in part KKK of the budget we just passed. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve 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 Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 397V

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brooks, Bryant, Caiazzo, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Kessler, Landry, Lookner, Madigan, Mathieson, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Ordway, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Arata, Austin, Bernard, Bickford, Blier, Bradstreet, Brennan, Cardone, Carlow, Carmichael, Cebra, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Griffin, Grignon, Haggan, Hall, Hanley, Harrington, Head, Hepler, Hutchins, Hymanson, Javner, Johansen, Kinney, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, Millett, Morris, Nadeau, Newman, O'Connell, O'Connor, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Roche, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Ducharme, Kryzak, Matlack, Paulhus, Sharpe, Tuttle.

Yes, 73; No, 72; Absent, 6; Excused, 0.

73 having voted in the affirmative and 72 voted in the negative, with 6 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 188)

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

June 25, 2021

The 130th Legislature of the State of Maine
State House

Augusta, Maine

Dear Honorable Members of the 130th 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 L.D. 920, *An Act To Promote Oversight of and Competitive Parity among Video Service Providers*.

L.D. 920 attempts to implement new consumer fees on some streaming services, expands consumer costs to fund Public, Educational and Governmental (PEG) studios and adds a layer of regulation to these services funded by an assessment paid to the Public Utilities Commission (PUC). I am deeply concerned that if this bill were to become law, it could make digital streaming services more costly and reduce service options for Mainers.

This bill expands the obligation of the video service provider to fund technology upgrades and expansion of local television/PEG operators. This expansion is substantial and will result in higher fees passed down to consumers. This is both a local control issue and a consumer cost issue. Cable customers already contribute more than \$10 million per year in franchise fees to local municipalities and many hundreds of thousands more in PEG capital fees. Only a small fraction is dedicated by municipalities to PEG operations. Additionally, L.D. 920 grants oversight of streaming websites to the PUC and requires the video service providers to offset those oversight and enforcement costs by paying a fee which I am concerned could be passed on to their subscribers.

My Administration worked in good faith with the sponsor to agree on legislation I feel would have accomplished the intent of the underlying bill. Our proposal offered the funding that local access channels need while ensuring municipalities had the authority to make that decision for their communities, instead of giving the PUC regulatory authority over streaming services.

L.D. 920 would also make Maine an outlier by imposing franchise fee obligations related to the access of public right of ways over streaming websites, raising costs for consumers and negatively impacting the State's efforts to expand broadband across Maine.

For these reasons, I return LD 920 unsigned and vetoed and urge the Legislature to sustain this veto.

Sincerely,
S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Promote Oversight of and Competitive Parity among Video Service Providers

(H.P. 676) (L.D. 920)

(H. "A" H-635 to C. "A" H-528)

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

Representative **KESSLER**: Thank you, Mr. Speaker. I appreciate the Representative from Hallowell's comment about which way the wind's blowing, but I've just got to get something off my chest before we dispense with this item here as I refer to the Chief Executive's veto letter. I'm frankly scratching my head on this one. The letter states that her administration worked in good faith. Mr. Speaker, I'm scratching my head. When work