

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

beginning January 8, 2014

beginning page H-1301

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
SECOND REGULAR SESSION
6th Legislative Day
Thursday, January 23, 2014

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Ellen Bridge, People's United Methodist, Newport.

Pledge of Allegiance.

Doctor of the day, Marguerite Pennoyer, M.D., Scarborough.

The Journal of Tuesday, January 21, 2014 was read and approved.

COMMUNICATIONS

The Following Communication: (H.P. 1252)

**TOWN OF SCARBOROUGH, MAINE
US ROUTE ONE, PO Box 360
SCARBOROUGH, MAINE 04070-0360
Resolution 14-01**

**Urging the Maine State Legislature
to Preserve and Restore Municipal Revenue Sharing**

BE IT RESOLVED, by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that, WHEREAS, for over forty years, the State of Maine has reserved approximately 5% of sales tax receipts from retail sales in Maine's towns and cities to stabilize the property tax burden and support the local governmental services provided on behalf of the State by municipalities, which under the law are subdivisions of state government (the "Municipal Revenue Sharing Program"); and,

WHEREAS, for FY 2014, Governor LePage proposed a State budget that would have eliminated the Municipal Revenue Sharing program and misappropriated all of the sales tax receipts in the Municipal Revenue Sharing Program's Local Government Fund for the State government's use; and,

WHEREAS, the compromise State budget adopted by the Maine State Legislature preserved the Municipal Revenue Sharing Program, but nonetheless re-allocated to the State Treasury tens of millions of dollars previously designated for municipalities under 30-A M.R.S. §568; and,

WHEREAS, the State's last-minute cuts to the Municipal Revenue Sharing Program for the FY 2014 and FY 2015 biennial budget threw municipal budgets for FY 2014 into disarray, necessitating draconian budget cuts, layoffs, and tax increases in towns and cities across the State; and,

WHEREAS, the FY 2015 component of the State's biennial budget both further reduced Municipal Revenue Sharing for municipalities for FY 2015, from its original, statutory level of \$146 million to \$60 million, and threatened to effectively eliminate the program with additional reductions of \$40 million in the event the State is unable to adopt budget amendments that reduce State tax expenditures and/or implement other savings by that amount; and,

WHEREAS, the impact to Scarborough of repeated reductions in Municipal Revenue Sharing has been significant, with the projection for FY 2015 representing only 17.7% what it was in FY 2009, a total dollar loss of \$1,118,230, the majority of which directly resulting in increases to the regressive local property tax; and,

WHEREAS, the Legislature's Tax Expenditure Review Task Force has worked diligently between legislative sessions to address the anticipated \$40 million shortfall in the State budget

for FY 2015, identifying State tax expenditure reductions and other savings in Legislative Resolve 2721; and, WHEREAS, LR 2721 is now pending before the Legislature's Appropriations Committee for its consideration; and, WHEREAS, the Legislature's adoption of state tax expenditure reductions or other budget savings, and the preservation of the Municipal Revenue Sharing Program that such savings would accomplish are vital to Maine's towns and cities as they prepare for yet another difficult budget process.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Town Council in Town Council assembled as follows:

THAT, it is of critical importance that the Legislature preserve the Municipal Revenue Sharing Program so as to avoid further reductions in municipal services and further increases in property taxes; and,

THAT, the Town Council strongly endorses the efforts of the Legislature's Tax Expenditure Review Task Force to identify tax expenditure reductions or other State budget savings to close the \$40 million gap in the State's FY 2015 budget; and,

THAT, the Town Council calls upon the Appropriations Committee and the Legislature to adopt legislation to fully fund the \$40 million FY 2015 State budget gap and thereby forestall further cuts in the Municipal Revenue Sharing Program; and,

THAT, the Town Council urges the local Legislative delegation to support the preservation and, indeed, the restoration to full funding of, the Municipal Revenue Sharing Program.

Signed and dated this 15th day of January 2014, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.

S/Richard J. Sullivan, Jr.

Council Chair

Attested by:

S/Yolande P. Justice

Town Clerk

**READ and REFERRED to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS.**

Sent for concurrence.

The Following Communication: (H.C. 316)

**STATE OF MAINE
126TH MAINE LEGISLATURE**

January 14, 2014

Honorable George J. Mitchell

DLA Piper LLP

1251 Avenue of the Americas

New York, NY 10020-1104

Dear Senator Mitchell:

We are pleased to invite you to address a Joint Convention of the Maine Legislature on Tuesday, January 28, 2014 at 11:00 o'clock in the morning in the Hall of the House of Representatives.

The Joint Convention is being followed by the unveiling of your portrait in the Hall of Flags, after which a reception in your honor will be held in the third floor rotunda.

We look forward to sharing this occasion with you.

Sincerely,

S/Justin A. Alfond

President of the Senate

S/Mark W. Eves

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 315)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

January 23, 2014

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Agriculture, Conservation and Forestry

L.D. 1239 An Act To Clarify, Streamline and Promote Fair Animal Welfare Laws

Environment and Natural Resources

L.D. 1528 Resolve, To Provide for Livable, Affordable Neighborhoods

Inland Fisheries and Wildlife

L.D. 89 An Act To Establish a Deadline for Snowmobile Registration

L.D. 153 An Act To Establish a Comprehensive Hunting and Fishing License

Insurance and Financial Services

L.D. 1092 An Act To Increase the Use of Long-term Care Insurance

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 317)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 23, 2014

Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On January 17, 2014

Bruce E. Wagner of North Yarmouth for appointment as the Chief Executive Officer, Finance Authority of Maine.

Pursuant to Title 10, MRSA, §972, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

On January 21, 2014

Nils R. Whitman, Jr. of Marshfield for appointment to the Washington County Development Authority.

Pursuant to Title 5, MRSA, §13083-C, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Cole R. Palmer of Phippsburg for appointment to the Maine Rural Development Authority, Board of Trustees.

Pursuant to Title 5, MRSA, §13120-D, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Rollie Heckethorn of Auburn for reappointment to the Maine Rural Development Authority, Board of Trustees.

Pursuant to Title 5, MRSA, §13120-D, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Jonathan A. Block, of Portland

James G. Howard of Topsham

Gregory E. Miller of Old Town and

James P. Violette, Jr. of Waterville for appointment to the Finance Authority of Maine.

Pursuant to Title 10, MRSA, §965, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Reis Hagerman of Standish and

Rosaire Pelletier of Madawaska for reappointment to the Finance Authority of Maine.

Pursuant to Title 10, MRSA, §965, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Barbara Campbell Harvey of Portland for reappointment to the Maine Educational Loan Authority.

Pursuant to Title 20-A, MRSA, §11415, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Honorable Richard A. Nass of Acton for reappointment to the Maine Board of Tax Appeals.

Pursuant to Title 36, MRSA, §151-D, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Taxation.

On January 22, 2014

Michael J. Faulkingham of South Portland for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA, §6024, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

James E. Rier, Jr. of Topsham for appointment as the Commissioner of the Department of Education.

Pursuant to Title 20-A, MRSA, §251, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 318)

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF FINANCIAL INSTITUTIONS
36 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0036**

January 15, 2014

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:

In accordance with Title 9-B, MRSA, §217, as amended, enclosed please find a copy of the "Annual Report from the Superintendent of the Bureau of Financial Institutions to the Legislature." In addition to the annual statistical information, the Report also includes informational segments which address issues of current importance to the Legislature, the Executive Branch, and the Maine financial institution community.

If you or your staff have any questions regarding the information contained in this Report, the Bureau would be pleased to respond. This Report will also be available in electronic format on the Bureau of Financial Institution's web site at <http://www.maine.gov/pfr/financialinstitutions/reports/pdf/Legrep2014.pdf>.

Very truly yours,
S/Lloyd P. LaFountain III
Superintendent

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 636)

**MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY**

January 21, 2014

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 126th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Elizabeth Fitzgerald of Machiasport for appointment to the Maine Land Use Planning Commission.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Preserve Maine's Long-term Care Facilities"
(H.P. 1251) (L.D. 1745)

Sponsored by Representative CASSIDY of Lubec.
Cosponsored by Senator BURNS of Washington and
Representatives: DOAK of Columbia Falls, LOCKMAN of
Amherst, MAKER of Calais, TURNER of Burlington.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act To Protect Maine Lakes"

(H.P. 1250) (L.D. 1744)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Senator GRATWICK of Penobscot and
Representatives: BLACK of Wilton, CHIPMAN of Portland,
GRAHAM of North Yarmouth, HAMANN of South Portland,
HICKMAN of Winthrop, McLEAN of Gorham, POWERS of
Naples, Senator: JOHNSON of Lincoln.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative RANKIN of Hiram, the following House Order: (H.O. 34)

ORDERED, that Representative Jarrod S. Crockett of Bethel be excused January 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mark N. Dion of Portland be excused January 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Denise Patricia Harlow of Portland be excused January 8 and 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne-Marie Mastraccio of Sanford be excused January 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mary Pennell Nelson of Falmouth be excused August 29, 2013 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jane P. Pringle of Windham be excused January 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Madonna M. Soctomah of the Passamaquoddy Tribe be excused January 16 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Thomas M. Tyler of Windham be excused January 14 and 16 for personal reasons.

READ and **PASSED.**

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act Regarding Sexually Explicit Text Messaging by Minors" (H.P. 454) (L.D. 662)

Signed:

Senators:

GERZOFSKY of Cumberland
DUTREMBLE of York
PLUMMER of Cumberland

Representatives:

DION of Portland
KAENRATH of South Portland
LAJOIE of Lewiston
LONG of Sherman
MARKS of Pittston
PEASE of Morrill
TYLER of Windham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-586)** on same Bill.

Signed:

Representatives:

PLANTE of Berwick
WILSON of Augusta

READ.

On motion of Representative DION of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

BILLS IN THE SECOND READING
House

Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Work on Maine's Probate Code and the Uniform Probate Code

(H.P. 1247) (L.D. 1741)

Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Review of the Issue of Inheritance of Digital Assets

(H.P. 1248) (L.D. 1742)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE

Bill "An Act To Facilitate Informed Planning for Higher Education and Careers"

(H.P. 1253) (L.D. 1746)

Sponsored by Representative BERRY of Bowdoinham.

Cosponsored by Representatives: JOHNSON of Greenville, KENT of Woolwich, KORNFELD of Bangor, MAKER of Calais, Senators: CAIN of Penobscot, KATZ of Kennebec, MILLETT of Cumberland, VALENTINO of York.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** suggested and ordered printed.

REFERRED to the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** and ordered printed. Sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 691)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, January 28, 2014 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

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

On motion of Representative BRIGGS of Mexico, the House adjourned at 10:43 a.m., until 10:00 a.m., Tuesday, January 28, 2014 pursuant to the Joint Order (S.P. 691).