

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Regular Session**

beginning December 3, 2014

beginning at page H-1

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
FIRST REGULAR SESSION  
7th Legislative Day  
Thursday, January 22, 2015

Representative McCABE of Skowhegan assumed the Chair.  
The House met according to adjournment and was called to order by the Speaker Pro Tem.  
Prayer by Reverend John Wentworth, First Parish Congregational Church, Pownal.  
National Anthem by Glenburn Elementary School Chorus.  
Pledge of Allegiance.  
Doctor of the day, Sydney Sewall, MD, MPH, Hallowell.  
The Journal of Tuesday, January 20, 2015 was read and approved.

**COMMUNICATIONS**

The Following Communication: (H.C. 28)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333-0002**

January 13, 2015  
Honorable Mark W. Eves  
Speaker of the House

2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

Please accept this letter as my formal notice of resignation from the Maine House of Representatives, House District #93, effective immediately.

Thank you for your acceptance of this resignation. It has been an honor to serve the people of Owl's Head and Rockland in the Maine House of Representatives.

Respectfully Submitted,  
S/Elizabeth E. Dickerson

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 29)  
**MAINE MUNICIPAL AND RURAL ELECTRIFICATION  
COOPERATIVE AGENCY**

January 14, 2015  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Honorable Michael D. Thibodeau  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Speaker Eves and President Thibodeau:  
Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Municipal and Rural Electrification Cooperative Agency due by February 1, 2015.

Please contact me if you have any questions or need additional information.

Thank you.  
Sincerely,  
S/Scott M. Hallowell  
MMRECA

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

The Following Communication: (H.C. 30)  
**MAINE STATE LEGISLATURE  
OFFICE OF PROGRAM EVALUATION AND  
GOVERNMENT ACCOUNTABILITY**

January 15, 2015  
Honorable Roger J. Katz, Senate Chair  
Honorable Chuck Kruger, House Chair  
and Members of the Government Oversight Committee  
82 State House Station  
Augusta, Maine 04333  
Honorable Michael D. Thibodeau, President of the Senate  
and Members of the 127th Maine Senate  
3 State House Station  
Augusta, Maine 04333

Honorable Mark W. Eves, Speaker of the House  
and Members of the 127th Maine House of Representatives  
2 State House Station  
Augusta, Maine 04333

Dear Government Oversight Committee Members, Senators and Representatives:

In accordance with 3 MRSA §995.4, I respectfully submit OPEGA's Annual Report on Activities and Performance for 2014. OPEGA's service to the Legislature as a non-partisan resource is meant to provide support in overseeing and improving the performance of State government. As OPEGA begins its 11th year of service to the Legislature, I hope that you and Maine's citizens will continue to view our efforts and results as a worthwhile use of taxpayer dollars.

Sincerely,  
S/Beth L. Ashcroft  
Director

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

The Following Communication: (H.C. 31)  
**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

January 22, 2015  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

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

On January 16, 2015

Honorable Richard W. Rosen of Bucksport for appointment as Commissioner, Department of Administrative and Financial Affairs.

Pursuant to Title 5, MRSA §281, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Appropriations and Financial Affairs.

Dr. Joseph R. Fitzpatrick of North Yarmouth for appointment as Commissioner, Department of Corrections.

Pursuant to Title 34-A, MRSA §1401, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Criminal Justice and Public Safety.

Sincerely,  
S/Mark W. Eves  
Speaker of the House

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills and Resolves were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

Bill "An Act To Restrict Swim Areas" (H.P. 84) (L.D. 126)

Sponsored by Representative SHAW of Standish.  
Cosponsored by Senator DUTREMBLE of York and Representatives: BLACK of Wilton, CRAFTS of Lisbon, DUCHESNE of Hudson, McCABE of Skowhegan, SHORT of Pittsfield, STANLEY of Medway, TIMBERLAKE of Turner, WOOD of Sabattus.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested.

On motion of Representative HICKMAN of Winthrop, the Bill was **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, ordered printed and sent for concurrence.

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**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act To Authorize a General Fund Bond Issue for Riverfront Community Development" (H.P. 80) (L.D. 108)

Sponsored by Representative SAUCIER of Presque Isle.  
Cosponsored by Senator LIBBY of Androscoggin and Representatives: BRYANT of Windham, FOWLE of Vassalboro, NADEAU of Winslow, PIERCE of Falmouth, SCHNECK of Bangor, Senators: KATZ of Kennebec, SAVIELLO of Franklin.

Bill "An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes, Decouple Federal Bonus Depreciation Deductions and Create a Maine Capital Investment Credit" (EMERGENCY) (H.P. 96) (L.D. 138)

Sponsored by Representative ROTUNDO of Lewiston. (GOVERNOR'S BILL)  
Cosponsored by Senator HAMPER of Oxford.

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act To Ensure Maine Companies Have Access to Skilled Labor" (H.P. 81) (L.D. 109)

Sponsored by Representative ESPLING of New Gloucester.  
Cosponsored by Senator HASKELL of Cumberland and Representatives: HARLOW of Portland, HOBBS of Saco, MAKER of Calais, ROTUNDO of Lewiston, Senators: ALFOND of Cumberland, LANGLEY of Hancock.

Bill "An Act To Preserve Programs in Allied Health at Kennebec Valley Community College" (H.P. 85) (L.D. 127)

Sponsored by Representative BECK of Waterville.  
Cosponsored by Senator WHITEMORE of Somerset and Representatives: DAUGHTRY of Brunswick, FOWLE of Vassalboro, JORGENSEN of Portland, LONGSTAFF of Waterville, NADEAU of Winslow, PICCHIOTTI of Fairfield.

Bill "An Act To Allow a School Administrative Unit To Implement a Firearm Safety Education Program for Elementary School Students" (H.P. 86) (L.D. 128)

Sponsored by Representative PICCHIOTTI of Fairfield.  
Cosponsored by Senator WHITEMORE of Somerset and Representatives: CHACE of Durham, FOLEY of Wells, GUERIN of Glenburn, HILLIARD of Belgrade, POULIOT of Augusta.

Bill "An Act To Provide Options to Schools for Making Up School Days" (H.P. 87) (L.D. 129)

Sponsored by Representative TUELL of East Machias.  
Cosponsored by Senator EDGECOMB of Aroostook and Representatives: ALLEY of Beals, CAMPBELL of Orrington, DUCHESNE of Hudson, HANINGTON of Lincoln, MAKER of Calais, McCLELLAN of Raymond, STEARNS of Guilford.

Bill "An Act To Exempt Certain Established Public Prekindergarten Programs from New Regulations" (H.P. 88) (L.D. 130)

Sponsored by Representative KORNFIELD of Bangor.  
Cosponsored by Representatives: DAUGHTRY of Brunswick, DUNPHY of Old Town, MASTRACCIO of Sanford, PIERCE of Falmouth, SAUCIER of Presque Isle, SCHNECK of Bangor, VEROW of Brewer, Senator: DILL of Penobscot.

Bill "An Act To Amend the Laws Related to Public Funding of Charter Schools" (EMERGENCY) (H.P. 89) (L.D. 131)

Sponsored by Representative HUBBELL of Bar Harbor.  
Cosponsored by Senator LANGLEY of Hancock.

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**ENERGY, UTILITIES AND TECHNOLOGY**

Bill "An Act To Remove the 100-megawatt Limit on Hydropower under the Renewable Resources Laws" (H.P. 90) (L.D. 132)

Sponsored by Representative O'CONNOR of Berwick.  
Cosponsored by President THIBODEAU of Waldo and Representatives: CRAFTS of Lisbon, DUNPHY of Embden, FARRIN of Norridgewock, FOLEY of Wells, HANLEY of Pittston, PICCHIOTTI of Fairfield, SANDERSON of Chelsea, WINSOR of Norway.

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**HEALTH AND HUMAN SERVICES**

Resolve, To Establish the Task Force on Independence from Public Assistance (EMERGENCY) (H.P. 91) (L.D. 133)

Sponsored by Representative POULIOT of Augusta.  
Cosponsored by Senator HASKELL of Cumberland and Representatives: GATTINE of Westbrook, HAMANN of South Portland, PARRY of Arundel, PETERSON of Rumford, SANDERSON of Chelsea, SIROCKI of Scarborough, VACHON of Scarborough, Senator: McCORMICK of Kennebec.

Bill "An Act To Allow the Electronic Transfer of Marriage Certificates"

(H.P. 97) (L.D. 139)

Sponsored by Representative DUCHESNE of Hudson.  
Cosponsored by Representatives: BRYANT of Windham, DOORE of Augusta, HOGAN of Old Orchard Beach, MARTIN of Sinclair, TUELL of East Machias.

Bill "An Act To Expand Access To Lifesaving Opioid Overdose Medication"

(H.P. 98) (L.D. 140)

Sponsored by Representative BECK of Waterville.  
Cosponsored by Senator GRATWICK of Penobscot and Representatives: BATES of Westbrook, FECTEAU of Biddeford.

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Bill "An Act To Amend the Definition of 'Health Care Practitioner' in the Maine Health Security Act To Include Pharmacists"

(H.P. 99) (L.D. 141)

Sponsored by Representative CHACE of Durham.  
Cosponsored by Senator CUSHING of Penobscot and Representatives: GILLWAY of Searsport, HANINGTON of Lincoln, HERBIG of Belfast, NUTTING of Oakland, PARRY of Arundel, SANDERSON of Chelsea, Senator: VOLK of Cumberland.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative GATTINE of Westbrook, **TABLED** pending **REFERENCE** and later today assigned.

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#### **INLAND FISHERIES AND WILDLIFE**

Resolve, To Study the Impact of Winter Ticks on the State's Moose Population

(H.P. 92) (L.D. 134)

Sponsored by Representative MARTIN of Sinclair.  
Cosponsored by Senator EDGECOMB of Aroostook and Representative: MARTIN of Eagle Lake.

Bill "An Act To Expand Deer Hunting Opportunities for Junior Hunters"

(H.P. 100) (L.D. 142)

Sponsored by Representative HILLIARD of Belgrade.  
Cosponsored by Representatives: DANA of the Passamaquoddy Tribe, HOBART of Bowdoinham, LYFORD of Eddington, POULIOT of Augusta, STEARNS of Guilford.

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#### **INSURANCE AND FINANCIAL SERVICES**

Bill "An Act To Prohibit Tobacco Use Surcharges in Small Group and Individual Health Insurance Products"

(H.P. 93) (L.D. 135)

Sponsored by Representative SANBORN of Gorham.  
Cosponsored by Senator GRATWICK of Penobscot and Representatives: BECK of Waterville, MELARAGNO of Auburn, ROTUNDO of Lewiston.

Bill "An Act To Protect the Privacy of Consumers Who Use Credit Cards for Online Purchases of Products"

(H.P. 102) (L.D. 144)

Sponsored by Representative RUSSELL of Portland.

#### **JUDICIARY**

Bill "An Act To Ensure That Defendants Receive Proper Notification in Foreclosure Proceedings"

(H.P. 83) (L.D. 111)

Sponsored by Representative DAUGHTRY of Brunswick.  
Cosponsored by Senator MILLETT of Cumberland and Representatives: DeCHANT of Bath, EVANGELOS of Friendship, JORGENSEN of Portland, KRUGER of Thomaston, MOONEN of Portland, TUCKER of Brunswick.

Bill "An Act To Clarify That the Medical Records of Applicants for Disability Variances Submitted to Municipal Boards of Appeal Are Not Public Records"

(H.P. 94) (L.D. 136)

Sponsored by Representative MONAGHAN of Cape Elizabeth.

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#### **STATE AND LOCAL GOVERNMENT**

Bill "An Act To Designate Maple Syrup as the Official State Sweetener"

(H.P. 82) (L.D. 110)

Sponsored by Representative BLACK of Wilton.  
Cosponsored by Senator DILL of Penobscot and Representatives: GREENWOOD of Wales, HANLEY of Pittston, KINNEY of Knox, NUTTING of Oakland, SAUCIER of Presque Isle, SHERMAN of Hodgdon, SKOLFIELD of Weld, TIMBERLAKE of Turner.

Bill "An Act To Designate the Friendship Sloop as the Official State Maritime Symbol"

(H.P. 95) (L.D. 137)

Sponsored by Representative KRUGER of Thomaston.  
Cosponsored by Senator CUSHING of Penobscot and Representatives: DEVIN of Newcastle, EVANGELOS of Friendship, HUBBELL of Bar Harbor, LUCHINI of Ellsworth, POULIOT of Augusta, SUKEFORTH of Appleton, WELSH of Rockport, Senator: MIRAMANT of Knox.

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#### **VETERANS AND LEGAL AFFAIRS**

Bill "An Act To Amend the Verification and Certification Process for Direct Initiatives and People's Veto Referenda"

(H.P. 103) (L.D. 145)

Sponsored by Representative RUSSELL of Portland.  
Cosponsored by Senator PATRICK of Oxford and Representative: KINNEY of Limington.

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#### **Pursuant to Statute**

##### **Department of Public Safety**

Representative McLEAN for the **Department of Public Safety** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 4: Maine Motor Carrier Safety Regulation, a Major Substantive Rule of the Department of Public Safety, Bureau of State Police (EMERGENCY)

(H.P. 101) (L.D. 143)

Be **REFERRED** to the Committee on **TRANSPORTATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

**ORDERS**

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 8)

ORDERED, that Representative Donna R. Doore of Augusta be excused January 13 and 14 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Joan W. Welsh of Rockport be excused January 8 for personal reasons.

**READ and PASSED.**

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 20, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Imelda Perley, of the Houlton Band of Maliseet Indians

(HLS 27)

TABLED - January 7, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **PASSAGE.**

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR:** Mr. Speaker, Ladies and Gentlemen of the House. I am pleased to be able to rise today to be able to honor Imelda Perley, a Maliseet woman and lifelong Reservation resident who is much more than the academic person she might first appear to be for those who first meet her. Soft spoken, Mrs. Perley is an aboriginal leader. She is a healer, educator, and a peace maker. She is a role model who is kind, gentle, and yet strong. Imelda is, and has been, an effective teacher, and is widely recognized in her role as a teacher among our People. As a role model she gives thanks to the Creator, councils with our Elders with whom she seeks constant guidance, and which she then readily passes on in her Maliseet language teachings.

We're very fortunate that we have such Tribal Elders among us still, and that Imelda decided long ago to take up the teaching of our tribal language, her first language, where our ancestors left off. Interestingly, Imelda is of a line of Perley women who have taught, including Mary, Marjorie, Juanita, all Perley women. And that Imelda is still with us is significant and very important to us. Especially for those of us who still seek to live as much of a traditional way, to think as traditionally as possible, and to behave accordingly; a behavior which is best understood and expressed in the gentle language of the Maliseet people.

Mr. Speaker, it's appropriate and timely that Mrs. Perley is being honored today, especially given the purpose of our all coming together once again this session where we have come to meet, talk, and deliberate, make decisions with each other about the many things that are important to all communities we represent. Mrs. Imelda Perley's leadership within the tribe, and her efforts to teach and increase tribal and student understanding is a good model for me and for all of us. Her involvement in our ancient tribal history, culture, and language as a professor now within the University of Maine System in Aroostook County, and as a tribal linguist throughout all seven Maliseet Reservations in

our Aroostook tribal homeland in northern Maine, western New Brunswick, and southern Quebec is inspiring and deserving of this recognition.

*Nistomin Skijinwadò Gegesk.*

What little I understand of my own language is in part because of Imelda and the women who preceded her.

*Nitawawest Gegesk Nil.*

What I understand and am able to speak is also because of her in a great way. She has taught my wife through the University System and socializing personally. She has taught my children, as have her other family members. And, so I think it's appropriate that this honor is being bestowed on her today.

Wuleewun, Mr. Speaker, and thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

**SENATE PAPERS**

The following Joint Order: (S.P. 56)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, January 27, 2015 at 10:00 in the morning.

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

**READ and PASSED** in concurrence.

Bill "An Act To Allow for the Cultivation of Hemp"

(S.P. 52) (L.D. 119)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Reduce the Penalties for Certain Drug Offenses"

(S.P. 46) (L.D. 113)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Reduce Youth Cancer Risk"

(S.P. 57) (L.D. 123)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Require Payment by a Carrier for Health Care Services Provided to Enrollees of the Carrier"

(S.P. 58) (L.D. 124)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

**REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act To Require the Prevailing Wage To Be Paid on All Public Works Projects for Which State Funding Is Used"

(S.P. 50) (L.D. 117)

Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Certain Mechanical Trades

(S.P. 54) (L.D. 121)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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Resolve, Authorizing the Bureau of General Services To Sell Certain Property to Kennebec County

(S.P. 47) (L.D. 114)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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Bill "An Act To Expand the Use of Tax Increment Financing Revenue"

(S.P. 49) (L.D. 116)

Bill "An Act To Authorize Municipalities To Refund Amounts Collected in Excess of Tax Liens" (EMERGENCY)

(S.P. 51) (L.D. 118)

Bill "An Act To Provide a Tax Credit to Maine Residents for Turnpike Tolls"

(S.P. 53) (L.D. 120)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

**REFERRED** to the Committee on **TAXATION** in concurrence.

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Bill "An Act To Eliminate the Requirement That Adults Wear Seat Belts"

(S.P. 45) (L.D. 112)

Resolve, To Name Interstate 295 from Scarborough to West Gardiner the Richard A. Coleman Highway

(S.P. 48) (L.D. 115)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

**REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

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Bill "An Act To Standardize Pints of Beer Sold in Maine"

(S.P. 55) (L.D. 122)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

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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 FREY of Bangor, the House adjourned at 10:51 a.m., until 10:00 a.m., Tuesday, January 27, 2015, pursuant to the Joint Order (S.P. 56).