

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Regular Session**

beginning January 6, 2016

beginning at page H-1188

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
SECOND REGULAR SESSION  
7th Legislative Day  
Tuesday, January 26, 2016

The Speaker resumed the Chair.

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

Prayer by Pastor Glenn Peterson, Hope Baptist Church, Manchester.

National Anthem by Angela Pitteroff, Augusta.

Pledge of Allegiance.

Doctor of the day, Andrew J. Fletcher, M.D., Dover-Foxcroft.

The Journal of Thursday, January 21, 2016 was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 621)

**JOINT RESOLUTION TO RECOGNIZE  
JANUARY 24 TO JANUARY 30, 2016 AS  
HUMAN TRAFFICKING AWARENESS WEEK**

WHEREAS, human trafficking is a form of modern-day slavery that violates basic human rights, denies victims personal freedom and knows no geographical boundaries; and

WHEREAS, human trafficking is the crime of recruiting, harboring, transporting, providing or obtaining a person for compelled labor or commercial sexual exploitation through the use of force, fraud or coercion, including but not limited to involuntary servitude, sex trafficking, debt bondage, domestic servitude and forced child labor, and can, but does not necessarily, include the physical transportation of a victim from one location to another; and

WHEREAS, human trafficking is recognized as the fastest-growing criminal enterprise in the world and the International Labour Organization estimates annual profits of \$150,000,000,000 from forced labor internationally; and

WHEREAS, the International Labour Organization estimated in 2012 that 26% of persons trafficked were children and the National Center for Missing and Exploited Children estimated in 2014 that one out of every 6 endangered runaways in the United States reported to them were likely child sex-trafficking victims; and

WHEREAS, victims of human trafficking suffer severe emotional, psychological and physical damage at the hands of their traffickers, who instill fear in their victims in order to keep them enslaved, resulting in complex post-traumatic stress disorder and increased rates of disease, drug addiction and other lifelong effects of trauma, and these experiences require years of trauma-informed health care and mental health services as part of a victim's recovery upon intervention; and

WHEREAS, human trafficking exists in the State and many state, federal and local agencies and organizations are working to prevent human trafficking, to intervene when human trafficking is discovered and to provide restorative care to victims; and

WHEREAS, no one person, organization, agency or community can eliminate human trafficking, but we can work together to educate our entire population about how we can all prevent human trafficking and support survivors of human trafficking and their communities; and

WHEREAS, the State is committed to protecting the vulnerable and ending human trafficking through prevention, prosecution, education and awareness; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second

Regular Session, on behalf of the people we represent, take this opportunity to recognize January 24 to January 30, 2016 as Human Trafficking Awareness Week.

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

**READ.**

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Mr. Speaker, Ladies and Gentlemen of the House, I rise to comment on this Resolution and I'll make my remarks brief, if possible. Thirty-five years ago, when I hit the street wearing a uniform, rather than a shirt and tie, prostitution was a crime. And my colleagues and I had concluded that women chose to engage in that criminal activity and we went about our work and made arrests where it was necessary.

In time, our view matured and we recognized that the men we let go were probably more culpable than the women who we had arrested. And this body and the chamber down the hall agreed and made it a crime to solicit for the purpose of prostitution. And we have evolved one more time. And in our learning, we have recognized that women and children, both genders at times, have been forced to suffer through the exploitation of sex trafficking and was born the idea of human trafficking. And we can take some credit today as we share with the other body this Resolution.

But I rise to acknowledge three people because great ideas often occur in a quiet background and the true leaders are never recognized for their work. As that work gains success it gains many parents. So I thought it was incumbent on me to acknowledge those three individuals today on the floor of this chamber. In doing so, I recognize Detective Sergeant Steven Webster of the South Portland Police Department, Detective Mark Keller of the Portland Police Department, and former Deputy District Attorney Meg Elam, now an assistant attorney general for the State of Maine. These three birthed the idea of human trafficking as a responsibility for Maine's criminal justice system and for the communities as a whole. To them, I offer my congratulations. This Resolution acknowledges that their work was not in vain, that it has changed our understanding of exploitation and our responsibility to respond to it. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise to speak on the Resolution before you. Human trafficking is often an unseen crime. While discussing this Joint Resolution, and several measures that we've had before us, I often hear my family and friends say, "Isn't that something that happens in third-world countries?" I've heard, I don't know if you've read about what's been going on with the shrimp industry and there's been a lot of cases of slavery involved with the production of shrimp in Thailand, so when I speak with my family and friends, often that's what they mention.

But what a lot of people don't realize is human trafficking is a crime that happens right here in Maine. Numerous groups estimate that we have between 200 and 300 victims in Maine of human trafficking and a crisis support line, just last year, had 11 verified cases of human trafficking right here in Maine; 10 were involving sex trafficking and one was involving labor trafficking. So what I really feel is the most important part about this Resolution is for all of us to realize that this is something that can happen in our own back doors and to open our eyes and look for folks who might be in need. On your desk, you'll have a packet of information distributed highlighting several groups that offer

support services for victims and I urge you to bring them home and share them with all of your constituents. Thank you.

Subsequently, the Joint Resolution was **ADOPTED** in concurrence.

The following Joint Resolution: (S.P. 622)

**JOINT RESOLUTION DESIGNATING JANUARY AS SCHOOL BOARD MEMBER RECOGNITION MONTH**

WHEREAS, it is the mission of Maine's school administrative units to provide all students with the best possible education in order that they may be prepared for productive and rewarding lives; and

WHEREAS, school boards are accountable for the education of Maine's children; and

WHEREAS, school boards articulate a vision for their school systems, set high academic standards and approve the hiring of the staff who make that vision a reality; and

WHEREAS, school boards chart the educational goals and direction of their communities as they work with administrators, teachers, parents and local residents while serving as advocates for public education; and

WHEREAS, school boards set the policies and procedures that govern all aspects of schools' operations and adopt the budgets that provide the resources necessary to meet the needs of all students; and

WHEREAS, all of these responsibilities and more are met by volunteer school board members, who put in countless hours in meetings and in their communities advocating for their schools, representing the interests of children and parents and other members of their communities and preserving the valued tradition of local control over kindergarten to grade 12 public education; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to express our appreciation to members of all local school boards in the State; and be it further

RESOLVED: That we declare the month of January 2016 as School Board Member Recognition Month and encourage local school administrative units and community leaders across the State to recognize their dedicated school board members; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine School Management Association.

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

**READ** and **ADOPTED** in concurrence.

**COMMUNICATIONS**

The Following Communication: (H.C. 407)

**MAINE STATE LEGISLATURE  
OFFICE OF PROGRAM EVALUATION AND  
GOVERNMENT ACCOUNTABILITY**

January 20, 2016

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 2015. 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. The OPEGA staff and I are honored that Maine's legislators and legislative committees have come to view the Office as a trusted source of objective, credible information. As OPEGA begins its 12th year of service to the Legislature, we will continue to conduct our work in a manner that earns your trust and respect, as well as that of Maine's citizens. I hope our efforts and results will continue to be viewed 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. 408)

**MAINE HUMAN RIGHTS COMMISSION  
19 UNION STREET  
AUGUSTA, MAINE 04330**

January 20, 2016

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 MRSA §12023, please consider this the letter of transmittal for the required report from the Maine Human Rights Commission due by February 1, 2016.

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

Sincerely,  
S/Amy M. Sneirson  
Executive Director

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

The Following Communication: (H.C. 409)

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

January 26, 2016

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:"

Energy, Utilities and Technology  
L.D. 1075 An Act To Amend the Charter of the Canton  
Water District  
Environment and Natural Resources  
L.D. 795 An Act To Encourage Prudent Development  
along the Coast or in a Flood Zone by  
Considering Predictions for Sea Level Rise

Sincerely,  
S/Robert B. Hunt  
Clerk of House

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

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The Following Communication: (H.C. 410)

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

January 26, 2016  
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 22, 2016

Heron Weston of Eastport  
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.

Marianne Moore of Calais

Christine M. Phillips of Calais

for reappointment to the Washington County Development  
Authority.

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

Samantha J. Hebert of Windham

for appointment to the School Board of the Governor Baxter  
School for the Deaf.

Pursuant to Title 20-A, MRSA §7406, 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.**

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The Following Communication: (H.C. 411)

**MAINE MARITIME ACADEMY  
CASTINE, MAINE 04420**

January 20, 2016  
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 MRSA §12023, please consider this the letter of  
transmittal for the required report from Maine Maritime Academy  
due by February 1, 2016.

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

Thank you.

Sincerely,

S/Petra Carver

Vice President for Financial and Institutional Services for Maine  
Maritime Academy

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

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The Following Communication: (S.C. 656)

**MAINE SENATE  
127TH LEGISLATURE  
OFFICE OF THE SECRETARY**

January 21, 2016  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 127th  
Maine Legislature, please be advised that the Senate today  
confirmed the following nominations:

Upon the recommendation of the Committee on Agriculture,  
Conservation and Forestry, the nomination of Bruce V. Flewelling  
of Easton for reappointment to the Board of Pesticides Control.

Upon the recommendation of the Committee on Agriculture,  
Conservation and Forestry, the nomination of Dr. Clark A.  
Granger, Ph.D. of Woolwich for reappointment to the Board of  
Pesticides Control.

Upon the recommendation of the Committee on Inland Fisheries  
and Wildlife, the nomination of Dr. Sheridan R. Oldham of  
Rangeley for reappointment to the Inland Fisheries and Wildlife  
Advisory Council.

Upon the recommendation of the Committee on Marine  
Resources, the nomination of Michael E. Murphy II of  
Machiasport for reappointment to the Marine Resources Advisory  
Council.

Upon the recommendation of the Committee on Marine  
Resources, the nomination of Thomas W. Casamassa of Saco  
for reappointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Marine  
Resources, the nomination of Michael E. Love of North Yarmouth  
for reappointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Marine  
Resources, the nomination of Kristin E. Brawn of Bath for  
appointment to the Marine Resources Advisory Council.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Amend Certain Education Laws" (EMERGENCY)

(H.P. 1069) (L.D. 1576)

Sponsored by Representative HUBBELL of Bar Harbor. Cosponsored by Senator LANGLEY of Hancock and Representative: MAKER of Calais. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

**Pursuant to Statute**

**Criminal Law Advisory Commission**

Representative FOWLE for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Make Technical Amendments to the Maine Juvenile Code"

(H.P. 1067) (L.D. 1575)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** 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 TEPLER of Topsham, the following Joint Resolution: (H.P. 1068) (Cosponsored by Senator McCORMICK of Kennebec and Representatives: BICKFORD of Auburn, CHACE of Durham, GATTINE of Westbrook, GOODE of Bangor, MOONEN of Portland, SEAVEY of Kennebunkport, SUKEFORTH of Appleton, Senator: MIRAMANT of Knox)

**JOINT RESOLUTION RECOGNIZING JANUARY 29, 2016 AS EITC AWARENESS DAY**

WHEREAS, in order to promote the federal and Maine state earned income tax credit, which enhances family household budgets, we recognize January 29, 2016 as EITC Awareness Day; and

WHEREAS, twenty percent of people eligible for the credit fail to claim the credit, which demonstrates the importance of raising awareness of this credit and urging individuals to find out if they qualify for it; and

WHEREAS, since 2003, CASH Maine has educated hard-working families and individuals about programs in the community that can increase their income, reduce their debt and build their savings; and

WHEREAS, throughout the State, IRS-certified volunteer tax preparers who are members of CASH Maine and AARP Tax-Aide, a collaboration of 10 statewide coalitions including 50 nonprofit and for-profit partners, provide free federal and state tax preparation; and

WHEREAS, in 2015, these volunteers helped Maine residents save more than \$3,600,000 in tax filing fees and claim over

\$5,680,000 in earned income tax credits, returning \$21,600,000 to Maine residents in federal income tax refunds; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize January 29, 2016 as EITC Awareness Day; and be it further

**RESOLVED:** That we send our appreciation to all the volunteers who participate in EITC Awareness Day for the benefit of Maine citizens and we urge participation in this worthy cause.

**READ.**

The **SPEAKER:** The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER:** Thank you, Mr. Speaker, Ladies and Gentlemen of the House, we are here today to celebrate, with the CASH coalition of Maine, EITC Awareness Day. The EITC, or the Earned Income Tax Credit, is a clean, simple cash incentive that rewards hard work. It is an especially effective way for low-income Mainers trying to get back on their feet—whether we're talking about the dad who's been laid off and is struggling to find a job that pays the same as his old job, or the single mom working hard to balance work and family.

And this isn't just the view of one legislator or one party. There is widespread, bipartisan consensus that the Earned Income Tax Credit is a smart use of our tax dollars that can jumpstart a chain reaction of success that benefits us all. It was one of President Ronald Reagan's favorite policies. Even economists, who typically frown when they see words like "tax incentive" or "tax credit," agree that the EITC is a very good thing to have around. And so, I would like to thank all the members of the CASH coalition for their longtime support of this policy and their willingness to promote Maine's brand new EITC, especially now with another tax season underway. We'd like to thank them and ask them to please keep up the great work and for being such a helpful resource for all Maine people.

The **SPEAKER:** The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA:** Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, about 20 years ago I got an Earned Income Tax Credit check. I bought a circular saw and a Sawzall and those were two of the most important tools I used to start a carpentry business, which I've made a living from for 20 years. This is something that works. For families that are living from paycheck to paycheck, they very rarely get a chance, get a lump sum of money that they can do anything with, and this might help them get a car repaired, buy some tools, buy some furniture. It's an important, important economic incentive and rewards work. Thank you, Mr. Speaker.

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

Representative **BROOKS:** Thank you, Mr. Speaker, Women and Men of the House, I rise in support of the Earned Income Tax Credit and doing anything we can to strengthen the benefit. As we know, people are living with low- to moderate-income and they struggle to survive sometimes. More and more, we have the middle class and people with good paying jobs with benefits having those jobs disappear and people are working maybe two to three part-time jobs and they struggle to get by.

The tax codes are difficult to navigate and it's important that we have help. The CASH coalition has been providing free IRS certified help in our Lewiston-Auburn area for quite some time. And it does help, as mentioned before, with the filing fees and other type fees associated with filing the taxes. So, I think this is a program that does need to be strengthened. It will help

immediately put money back into the economy. It'll help put food on the table. It'll help pay rent, transportation costs, and it is an important program and asset to the community. And I thank you.

Subsequently, the Joint Resolution was **ADOPTED**.  
Sent for concurrence.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 1013) (L.D. 1490) Bill "An Act Regarding the Maine Arts Commission" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1016) (L.D. 1493) Bill "An Act To Provide a Private Support Organization for the Maine Arts Commission" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1018) (L.D. 1495) Bill "An Act To Allow the Kennebec Sanitary Maintain a Capital Reserve Fund" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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

**REPORTS OF COMMITTEE**

**Change of Committee**

Representative KORNFIELD from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow School Resource Officers To Have Jurisdiction at Off-site Events" (EMERGENCY)

(H.P. 1041) (L.D. 1516)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent for concurrence.

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**SENATE PAPERS**

Bill "An Act To Improve Hospital Governance by Clarifying the Requirement for a Certificate of Need for Intracorporation Transfers"

(S.P. 624) (L.D. 1573)

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.

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Bill "An Act To Protect Maine Voters from Intimidating Videotaping at the Polls"

(S.P. 625) (L.D. 1574)

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.

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

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On motion of Representative WINSOR of Norway, the House adjourned at 10:55 a.m., until 10:00 a.m., Thursday, January 28, 2016, in honor and lasting tribute to Joseph F. Cooney, Jr., of Norway; Donald H. Gouin, of Norway; Richard L. Wilkins, of Sanford; and Leroy K. Flanders, of Belfast and Penobscot.