

# 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  
8th Legislative Day  
Thursday, January 28, 2016

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

Prayer by Pastor Karen Lilli Pax, Waldoboro United Methodist Church and Broad Cove Church, Cushing.

Pledge of Allegiance.

Doctor of the day, Lisa Ryan, D.O., Naples.

The Journal of Tuesday, January 26, 2016 was read and approved.

**COMMUNICATIONS**

The Following Communication: (H.C. 412)

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

January 25, 2016  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Clerk Hunt:

Pursuant to my authority under Senate Rule 201.3, I am temporarily rescinding the appointment of Senator Paul T. Davis, Sr. as a member of the Joint Standing Committee on Taxation and temporarily appointing Senator Andre E. Cushing III to serve on this committee for January 25, 2016.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,  
S/Michael D. Thibodeau  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 413)

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

January 28, 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Please be advised that pursuant to Title 3, MRSA §154, Governor Paul R. LePage has withdrawn the following nomination:

On January 25, 2016

Rosaire Pelletier of Madawaska  
for reappointment as a member of the Finance Authority of Maine.

This nomination is currently pending before the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

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

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

The Following Communication: (H.C. 414)

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

January 28, 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 Committee on Education and Cultural Affairs has approved the request by the sponsor, Senator Millett of Cumberland, to report the following "Leave to Withdraw":

L.D. 305 An Act To Authorize Circus Conservatory of America To Grant Baccalaureate Degrees (EMERGENCY)

Sincerely,  
S/Robert B. Hunt  
Clerk of the House

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

The Following Communication: (H.C. 415)

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

January 28, 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:"

Insurance and Financial Services  
L.D. 704 An Act Regarding Notice Provided by Insurance Carriers to Health Care Providers

Taxation  
L.D. 49 An Act To Exempt from Excise Tax Certain Vehicles Used by Persons with a Disability

L.D. 646 An Act To Provide Incentives for Municipal Cooperation and Shared Services

Transportation  
L.D. 687 An Act To Expand Classification Categories for Motor Vehicles in the State

Sincerely,  
S/Robert B. Hunt  
Clerk of House

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

The Following Communication: (S.C. 667)

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

January 26, 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 Colon E. Durrell of Farmington for reappointment to the Maine Milk Commission.  
Upon the recommendation of the Committee on Taxation, the nomination of William J. Kelleher, Esq. of Rome for reappointment to the Maine Board of Tax Appeals.

Best Regards,  
S/Heather J.R. Priest  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

AND BE IT FURTHER ORDERED, that Representative Gary E. Sukeforth of Appleton be excused January 19 for health reasons.

**READ and PASSED.**

**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following items:

**Recognizing:**

Gail Savitz and the late Jerry Savitz, of Belfast, who have received the 2015 Appreciation Award from the Belfast Area Chamber of Commerce. The award is given to people who work quietly behind the scenes helping make the Belfast area the inviting, unique community it is. We extend to Mrs. Savitz our congratulations on her receiving this award and offer her our sincere condolences on the passing of Mr. Savitz;

(SLS 878)

On **OBJECTION** of Representative HERBIG of Belfast, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Increase the Availability of Mental Health Services"

(H.P. 1070) (L.D. 1577)

Sponsored by Representative SANDERSON of Chelsea. (GOVERNOR'S BILL)

Cosponsored by Senator CYRWAY of Kennebec and Representatives: ESPLING of New Gloucester, FREDETTE of Newport, LONG of Sherman, MAKER of Calais, PICCHIOTTI of Fairfield, POULIOT of Augusta, TIMBERLAKE of Turner, Senator: ROSEN of Hancock.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

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. 36)

**ORDERED**, that Representative Kathleen R. J. Dillingham of Oxford be excused January 19 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Craig V. Hickman of Winthrop be excused January 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Chuck Kruger of Thomaston be excused January 19 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard S. Malaby of Hancock be excused January 14 and 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Teresa S. Pierce of Falmouth be excused May 29, 2015, June 5, 2015 and July 16, 2015 for personal reasons.

**In Memory of:**

the Honorable Lois Anita Snowe-Mello, of Poland, a longtime state Representative and state Senator. Senator Snowe-Mello was born in Passaic, New Jersey. She attended Franklin School of Science and Arts, County College of Morris and Arizona State University and graduated from County College of Hair Design. She worked as a beautician, a social worker for Morristown, New Jersey, an admitting officer at Scottsdale Memorial Hospital in Arizona and at Maine Central Medical Center in Lewiston and a manager at Olan Mills Portrait Studios. From 1997 to 2004, she served in the House of Representatives representing Minot, part of New Gloucester and Poland, and she served in the Senate representing Auburn, Durham, Poland and New Gloucester during the 122nd Legislature, 123rd Legislature and 125th Legislature. She served as chair of the Senate Committee on Engrossed Bills and Senate chair of the Joint Standing Committee on Marine Resources. Senator Snowe-Mello was a member of the Republican State Committee from 2000 to 2004, served as the Vice Chair of the Androscoggin Republican Committee and served as State Committeewoman for the Androscoggin Republican Committee. She also served as the Chair of the Androscoggin County Legislative Delegation and served on the county's Budget Committee. She was a member of many religious, fraternal and civic organizations, including the Poland Historical Society, the Board of Directors of the Autism Society of Maine, the Androscoggin County Chamber of Commerce, the Order of the Eastern Star and the Sportsman's Alliance of Maine. Senator Snowe-Mello will be long remembered and sadly missed by her family, her friends and her colleagues in the Legislature and throughout the State;

(SLS 885)

On **OBJECTION** of Representative BABBIDGE of Kennebunk, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise to honor the

service of Lois Snowe-Mello and share a couple personal anecdotes.

When I was first elected to this body, when I was a freshman for the first time, there were many faces on both sides of the aisle who I did not know. Shortly after opening day, the morning after my first overnight stay, I encountered Representative Snowe-Mello because we were the first to enter the small, complimentary breakfast area of the motel at about 6:30 in the morning. She was the first stranger from the Republican side for me to meet. I don't know her vital statistics. She appeared to be about 4'11" and 90 pounds. But I soon learned she was a tour de force. Our conversation became an interview, at the conclusion of which she said something like, "Maybe you'll be all right."

My favorite Snowe-Mello story happened two years later when a new legislator, a young broad-shouldered fellow, was walking down the third floor hall toward this house when, as he told it, he was pinned to the wall by Representative Snowe-Mello. If you can imagine, as I can, this hulking ex-football player being taken by the shirt by a stranger, this wisp of a woman, and told, "You'll dress appropriately when you come to this chamber." That evening, when I heard this story from the legislator, there was not a hint of a smile on his face and he said he was terrified. Of course, knowing Lois, I laughed uproariously. I don't recall what he had been wearing that day, but he dressed appropriately thereafter.

Although she went on to the other body and I stayed in the House, I know that we were on opposing sides on some important issues, but we're all in this together and it is important that folks from both sides of the aisle acknowledge her service, and this loss, at too young of an age. She was a spitfire, some would say a pit bull, but in any case, her small stature belied a very formidable legislator.

Mr. Speaker, I honor the memory of Lois Snowe-Mello, remembering her smile, her cooperation as well as her determination, and remembering our first encounter years ago as a memory that will always bring a smile to my face. My condolences to her friends and family. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I stand today because Lois would want me to say something. I tend to be kind of quiet, but she would tell me to "speak up," is what she would say. Lois was a very caring woman and she was always up on the issues, even recently when I was able to visit her in the ICU, she needed to know what was going on and she knew what was happening and she was very up on everything. And I found that to be Lois—very typical of Lois, always wanting to be involved, always wanting to know what was going on and always wanting her opinion to be heard.

She served as the State Rep., serving part of New Gloucester. She was my Senator when I came here in the 125th. And finally, she was my constituent when we redistricted this last time, she did become my constituent in Poland. She was a friend. She was a mentor. She was someone that my family knew. She was someone that my kids got to know and she was someone that we got to love and she will be very much missed. Thank you.

Subsequently, the Sentiment was **ADOPTED** in concurrence.

**REPORTS OF COMMITTEE**  
**Refer to the Committee on Environment and Natural Resources**  
**Pursuant to Public Law**

Report of the **Joint Standing Committee on Environment and Natural Resources** on Bill "An Act Concerning the Establishment of Water Levels"

(S.P. 618) (L.D. 1566)

Reporting that it be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** pursuant to Public Law 2015, chapter 264, section 5.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

**Change of Committee**

Representative GOODE from the Committee on **TAXATION** on Bill "An Act To Implement and Fund an Integrated Beach Management Program"

(H.P. 854) (L.D. 1254)

Reporting that it be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**.

Sent for concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Expression of Legislative Sentiment Recognizing Gail Savitz and the late Jerry Savitz, of Belfast.

(SLS 878)

Which was **TABLED** by Representative HERBIG of Belfast pending **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, today is a lovely day. We have Gail Savitz who is in the chamber here with us and her son Carl. Gail was married with Jerry Savitz. The two of them together owned the restaurant Darby's in Belfast, Maine, which a lot of people say how wonderful Belfast is to me, but probably the thing that they say more than anything is how much they love Darby's restaurant. It's been operating in Belfast for over 30 years.

Jerry was always, sort of, the guy that when you walked into the restaurant you always saw him with a smile on his face and a twinkle in his eye. But Gail was really the brains behind the operation and I think that everyone knew that. I've always really admired Gail as a member of our community. She had her hands in the restaurant and she also has her own pottery business downtown. She's always been a role model to me as a woman who clearly knew "what's up" in Belfast.

So just a little bit. Today's acknowledgement is twofold. It's acknowledging all that Gail and her husband Jerry contributed to the community, but also to remember Jerry who, unfortunately passed away in December, which was just a huge loss to Belfast—a huge loss. Just a little bit about in 1972, Gail and Jerry were married in an A-frame that Jerry had built in the

woods. Gail said they mentioned that they raised their "free-range" children, their sons, Isaac and Carl.

What's been nice is my husband and I have been to Darby's several times since Jerry's passing with our son, Charles, and Gail has been right there each time with both of her sons and I think that makes all of us feel better that Darby's will continue to operate and maintain that very wonderful family environment that so many people in Belfast and all of Waldo County enjoy.

Jerry also served on the board of the Belfast Co-op, the Northport Golf Club, the Coastal Mountains Land Trust, the Belfast Maskers, and the Basil Burwell Endowment Fund. Jerry had his hands in everything. He also was very well known as taking place in a weekly poker match that was very notorious in Belfast.

I just want to say something that I also really admired about Jerry and Gail is that, actually, when I first ran for office, I went down and met with Jerry and told him I was running for office and he told me that he thought that the big thing in Belfast was how we would all transition from the old Belfast to the new Belfast, and he coined the phrase, "from poultry to poetry." If anyone did that with just the most grace and just did this as flawlessly as possible, it would've been Jerry and Gail. They really embodied that and all that is wonderful in Belfast, so I'm very happy to have them here today and I'm just so proud of Gail and I'm very sad for their family's loss. Thank you.

Subsequently, the Sentiment was **PASSED** in concurrence.

**CONSENT CALENDAR**  
**Second Day**

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

(H.P. 1013) (L.D. 1490) Bill "An Act Regarding the Maine Arts Commission"

(H.P. 1016) (L.D. 1493) Bill "An Act To Provide a Private Support Organization for the Maine Arts Commission"

(H.P. 1018) (L.D. 1495) Bill "An Act To Allow the Kennebec Sanitary Treatment District To Establish and Maintain a Capital Reserve Fund"

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

**ENACTORS**  
**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services

(H.P. 1002) (L.D. 1460)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 134 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

The following item was taken up out of order by unanimous consent:

**SENATE PAPERS**

The following Joint Order: (S.P. 627)

**ORDERED**, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 2, 2016 at 10:00 in the morning.

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

**READ** and **PASSED** in concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Rockland, Representative Beebe-Center, who wishes to address the House on the record.

Representative **BEEBE-CENTER**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, in reference to Roll Call No. 470, on LD 1537, had I been present, I would have voted "yea."

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

On motion of Representative **ESPLING** of New Gloucester, the House adjourned at 10:56 a.m., until 10:00 a.m., Tuesday, February 2, 2016, pursuant to the Joint Order (S.P. 627) and in honor and lasting tribute to the Honorable Lois Anita Snowe-Mello, of Poland and the Honorable John Francis Ring, Sr., of Pittsfield.