

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
14th Legislative Day
Thursday, February 18, 2016

Representative WELSH of Rockport assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.
Prayer by Reverend David Collins, Coastal Community Church of Scarborough.
National Anthem by Alicia Fournier, Scarborough.
Pledge of Allegiance.
Doctor of the day, David Scaccia, DO, MPH, Kittery.
The Journal of Tuesday, February 16, 2016 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 643)

JOINT RESOLUTION RECOGNIZING THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA ON FEBRUARY 16, 2016

WHEREAS, 2016 marks the 104th anniversary of the Girl Scouts of the United States of America, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and

WHEREAS, throughout its long and distinguished history, Girl Scouts has inspired millions of girls and women with the highest ideals of character, conduct, compassion and patriotism; and

WHEREAS, in Girl Scouts, girls develop their leadership potential through activities that enable them to discover their values and skills and the world around them and to connect with others in a multicultural environment; and

WHEREAS, Girl Scouts, now in its 2nd century of service to girls, is continuing its legacy of creating gender-balanced leadership in the United States and the world by providing girls with the courage, confidence and leadership skills to become leaders dedicated to making their communities, this country and the world better; and

WHEREAS, Girl Scouts has made girls' financial literacy a high priority in its programs and activities for over 100 years and continues to develop financial empowerment programs for girls in kindergarten to grade 12 to guarantee future generations of independent female leaders; and

WHEREAS, outdoor experiences are an integral part of the Girl Scout Leadership Experience and outdoor activities are woven into the core leadership development program in such a way that girls feel comfortable trying new things and testing their limits and gain confidence and acquire new skills in a safe and supportive all-girl environment; and

WHEREAS, Girl Scouts is committed to ensuring that girls have the opportunity to explore and build an interest in science, technology, engineering and mathematics, helping them to develop collaborative, critical thinking and problem solving skills, which are vital throughout life; and

WHEREAS, with more than 2.8 million current members nationwide and nearly 60 million alumnae and with a high percentage of the women in the United States House of Representatives and of women business owners being former Girl Scouts, Girl Scouts has ample living proof of its importance and success; 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 commend the commitment Girl Scouts has made to support the continued advancement of girls in their roles as leaders here in our State and to send our appreciation by urging

the citizens of Maine to recognize the Girl Scouts of the United States of America on February 16, 2016; and be it further

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

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

COMMUNICATIONS

The Following Communication: (H.C. 451)

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

February 12, 2016

The 127th Legislature of the State of Maine
State House

Augusta, Maine

Dear Honorable Members of the 127th 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 LD 1460, "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."

This legislation approves of Maine Commission on Indigent Legal Services' rulemaking to increase the rate of pay for attorneys who provide indigent legal services. This pay raise and the entire system for providing indigent defense is a bad deal for Maine, and I cannot abide continuing to prop up a system that refuses to hold attorneys accountable or introduce cost predictability, it is unfair to Maine's indigent and Maine taxpayers.

The Commission and the current system for providing indigent legal services were established in 2009 in order to separate this function from the Judicial Branch. In that time, the budget for the Commission has grown year over year from a little over \$10.5 million in fiscal year 2011 to the budgeted amount of more than \$19 million for the current fiscal year. Not only has the budget for these services exploded, but also there seems to be no way to predict this growth. As the Legislature well knows, it is asked almost every fiscal year to provide additional, unbudgeted supplemental funding to this Commission because nobody seems to be able to manage (or predict) this spending. In fact, I understand that the Commission is now seeking over \$3 million in unbudgeted supplemental funding for the second year of biennium.

It appears the fiscal appetite of this Commission will never be satiated and the pay raise provided for by this resolve only exacerbates this problem.

I have proposed the creation of a public defender system to regularize the costs of providing this service and to improve the quality of services we provide to indigent defendants. Unfortunately, when those who stood to lose – the lawyers now billing the State – showed up in force to keep taxpayer dollars flowing in their direction, legislators wilted and opted for the *status quo*. I will not enable this system, let alone add to the problem by giving those involved a pay raise. For these reasons, I return LD 1460 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item 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 (EMERGENCY)

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

On motion of Representative McCABE of Skowhegan, **TABLED** pending **RECONSIDERATION** and later today assigned.

report on-line through the website of the Office of Policy and Legal Analysis at www.legislature.maine.gov/opla.

Sincerely,
S/Senator Brian D. Langley
Senate Chair
S/Representative Victoria P. Kornfield
House Chair

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

The Following Communication: (H.C. 454)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

February 16, 2016

Honorable Michael D. Thibodeau
President of the Senate
Honorable Mark W. Eves
Speaker of the House
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Please accept this letter as the report of the findings of the Joint Standing Committee on Insurance and Financial Services from its review and evaluation of the Department of Professional and Financial Regulation under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The committee finds that the Administrative Services Division, Bureau of Consumer Credit Protection, Bureau of Financial Institutions, Bureau of Insurance and Office of Securities within the Department of Professional and Financial Regulation are operating effectively within their statutory authority. The review of the Department of Professional and Financial Regulation is done in conjunction with the Joint Standing Committee on Labor, Commerce, Research and Economic Development. Because the Joint Standing Committee on Labor, Commerce, Research and Economic Development has reviewed the Office of Professional and Occupational Regulation, we make no findings with regard to that office.

Sincerely,

S/Senator Rodney L. Whittemore
Senate Chair
S/Representative Henry E.M. Beck
House Chair

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 452)

STATE OF MAINE

TASK FORCE ON SCHOOL LEADERSHIP

February 12, 2016

Honorable Michael D. Thibodeau, President
Maine State Senate
Honorable Mark W. Eves, Speaker
Maine House of Representatives
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

Pursuant to Resolve 2015, Chapter 46, the Task Force on School Leadership is pleased to submit its final report. Copies of the full report have been distributed to committees or individuals as directed by law and copies have been placed on file with the Law and Legislative Reference Library. Others may access the full

The Following Communication: (H.C. 453)

STATE OF MAINE

CLERK'S OFFICE

**2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

February 18, 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:"

Criminal Justice and Public Safety

L.D. 195 An Act Regarding County Jails

Education and Cultural Affairs

L.D. 356 An Act To Permit the New England School of Dental Technology To Grant the Degree of Bachelor of Science

L.D. 1491 An Act To Allow Trained, Nonmedical Employees in Schools To Administer Emergency Medications (EMERGENCY)

Health and Human Services

L.D. 966 An Act To Assist Patients in Need of Psychiatric Services

L.D. 1030 An Act To Better Coordinate the Work of Mental Health Crisis Agencies with Law Enforcement Agencies

L.D. 1149 Resolve, Directing the Maine Center for Disease Control and Prevention To Report on Progress toward Meeting Healthy Maine 2020 Goals Pertaining to Reproductive Health

Marine Resources

L.D. 493 An Act To Create the Ocean Acidification Council

State and Local Government

L.D. 1206 An Act To Allow County Corrections Officers To Participate in the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program

L.D. 1328 An Act To Clarify the Ownership of and Access to Ancient and Family Burying Grounds

Veterans and Legal Affairs

L.D. 1509 An Act To Simplify the Filing of Campaign Independent Expenditure and 24-hour Reports

L.D. 1511 An Act To Allow Retailers To Return Promotional Alcoholic Beverages to Wholesalers

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (S.C. 742)

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

February 16, 2016
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 127th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Judiciary, the nomination of Steven M. Carey, Esq., of Cumberland for reappointment to the Maine Commission on Indigent Legal Services.

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

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, Authorizing the Reconveyance of Land and Authorizing the Sinclair Sanitary District To Lease Land for Telecommunications Purposes

(H.P. 1085) (L.D. 1595)

Sponsored by Representative MARTIN of Sinclair.
Cosponsored by Senator EDGECOMB of Aroostook and Representatives: EDGECOMB of Fort Fairfield, MARTIN of Eagle Lake, McELWEE of Caribou, SAUCIER of Presque Isle, WHITE of Washburn.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

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

Sent for concurrence.

Bill "An Act To Direct the Commissioner of Education To Develop a Model Policy Regarding Substance Abuse Education in Maine Schools"

(H.P. 1084) (L.D. 1594)

Sponsored by Representative McCABE of Skowhegan.
Cosponsored by Senator LANGLEY of Hancock and Representatives: KORNFIELD of Bangor, MAKER of Calais, NADEAU of Winslow, PIERCE of Falmouth, SAUCIER of Presque Isle, TUELL of East Machias, Senators: CYRWAY of Kennebec, MILLETT of Cumberland.

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

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.

Bill "An Act To Revise the Laws Regarding Dental Practices" (H.P. 1086) (L.D. 1596)

Sponsored by Representative SIROCKI of Scarborough.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** 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. 39)

ORDERED, that Representative James E. Davitt of Hampden be excused February 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kathleen R. J. Dillingham of Oxford be excused February 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Michelle Ann Dunphy of Old Town be excused February 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Erik C. Jorgensen of Portland be excused February 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Ricky D. Long of Sherman be excused February 16 for health reasons.

AND BE IT FURTHER ORDERED, that Representative David P. Sawicki of Auburn be excused February 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Timothy S. Theriault of China be excused February 16 for personal reasons.

READ and **PASSED.**

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Justin Burgess, of Orland, a member of Boy Scout Troop No. 102, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Boy Scouting and is given for excellence in skills development, leadership, personal growth and community service. We extend our congratulations to him on this achievement;

(HLS 1024)

Presented by Representative WARD of Dedham.
Cosponsored by Senator ROSEN of Hancock.

On **OBJECTION** of Representative WARD of Dedham, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

**Refer to the Committee on Transportation
Pursuant to Joint Order**

Report of the **Joint Standing Committee on Transportation** on Bill "An Act To Amend the Maine Traveler Information Services Laws"

(S.P. 641) (L.D. 1592)

Reporting that it be **REFERRED** to the Committee on **TRANSPORTATION** pursuant to Joint Order 2016, S.P. 628.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **TRANSPORTATION**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

**Refer to the Committee on Inland Fisheries and Wildlife
Pursuant to Joint Order**

Representative DUCHESNE for the **Joint Standing Committee on Inland Fisheries and Wildlife** on Bill "An Act To Establish a Contingency Wildlife Management Plan"

(H.P. 1083) (L.D. 1593)

Reporting that it be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** pursuant to Joint Order 2015, H.P. 976.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Sent for concurrence.

**CONSENT CALENDAR
Second Day**

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

(S.P. 564) (L.D. 1466) Bill "An Act To Exempt Certain Liquor Sales Representatives from Licensing Requirements" (C. "A" S-357)

(H.P. 1047) (L.D. 1522) Resolve, Regarding Legislative Review of the Final Repeal of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1064) (L.D. 1568) Resolve, Regarding Legislative Review of Portions of Chapter 373: Financial and Technical Capacity Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1065) (L.D. 1569) Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1066) (L.D. 1570) Resolve, Regarding Legislative Review of Chapter 380: Long-term Construction Projects Under the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1004) (L.D. 1463) Bill "An Act To Allow Members of the State Employee and Teacher Retirement Program To Reapply for Disability Retirement Benefits after Denial and To Allow the Board of Trustees of the Maine Public Employees Retirement System To Offer Long-term Disability Insurance Coverage" (C. "A" H-517)

(H.P. 1053) (L.D. 1546) Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2017" (C. "A" H-518)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

**ENACTORS
Emergency Measure**

An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System

(H.P. 704) (L.D. 1021)

(C. "A" H-511)

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. 139 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation Concerning Pension Income

(H.P. 1029) (L.D. 1506)

(C. "A" H-510)

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 Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Allow All Manufacturers Licensed by the Bureau of Alcoholic Beverages and Lottery Operations To Provide Samples of Products to Retail Licensees

(S.P. 562) (L.D. 1461)

(C. "A" S-353)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, Directing the Treasurer of State To Study the Most Effective Options for Maine Residents To Participate in Tax-advantaged Savings Accounts for Persons with Disabilities
(H.P. 967) (L.D. 1421)
(C. "A" H-509)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

The following Joint Order: (S.P. 644)
ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 23, 2016 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 WELSH of Rockport, the House adjourned at 10:56 a.m., until 10:00 a.m., Tuesday, February 23, 2016, pursuant to the Joint Order (S.P. 644).