

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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
15th Legislative Day
Tuesday, February 23, 2016

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

Prayer by Pastor Matthew Ward, Charleston Church.

Colors presented by Maine Maritime Academy Color Guard, Castine.

National Anthem by Charleston Church Trio..

Pledge of Allegiance.

Doctor of the day, Craig Curtis, M.D., Dedham.

The Journal of Thursday, February 18, 2016 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 455)

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

February 23, 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 February 17, 2016

Rear Admiral Bryan P. Cutchen of West Gardiner for appointment to seat 1 of the Maine Turnpike Authority Board of Directors.

Pursuant to Title 23, MRSA §1964-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Sincerely,

S/Mark W. Eves

Speaker of the House

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

The Following Communication: (H.C. 456)

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

February 23, 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:"

Agriculture, Conservation and Forestry

L.D. 1178 An Act To Implement the Recommendations of the Maple Syrup Task Force

Energy, Utilities and Technology

L.D. 1315 An Act To Amend Maine's Restructuring Laws

Inland Fisheries and Wildlife

L.D. 640

Resolve, To Establish a Working Group To Review the Incidental Take Permitting Process under the Endangered Species Laws

Labor, Commerce, Research and Economic Development

L.D. 1240

An Act To Phase Out the Payment of Subminimum Wages to Workers with Disabilities

Transportation

L.D. 227

An Act To Remove Barriers to Job Opportunities for Young Truck Drivers

L.D. 287

An Act To Improve Traffic Safety during Political Campaign Seasons

Sincerely,

S/Robert B. Hunt

Clerk of House

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

The Following Communication: (H.C. 457)

**TOWN OF SCARBOROUGH, MAINE
US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE 04070-0360**

February 18, 2016

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

At the Scarborough Town Council meeting held on Wednesday, February 17, 2016, the Town Council unanimously voted in support of Resolution 16-003, urging the Maine State Legislature to pass a significant supplemental appropriation for Education (GPA).

Enclosed please find Resolution 16-003, signed by the Chairman of the Scarborough Town Council and attested by the Town Clerk. This Resolution is respectfully being submitted to the Maine House on behalf of the Scarborough Town Council, the Town Manager and most importantly, the residents of the Town of Scarborough.

Sincerely,

S/Yolande P. Justice

Town Clerk

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Provide Supplemental Appropriations and Deappropriations for the Judicial Department for the Fiscal Years Ending June 30, 2016 and June 30, 2017" (EMERGENCY)

(H.P. 1087) (L.D. 1597)

Sponsored by Representative HOBBS of Saco.

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

Committee on **JUDICIARY** suggested.

The Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

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

ORDERS

On motion of Representative WARD of Dedham, the following Joint Resolution: (H.P. 1089) (Cosponsored by Representatives: ALLEY of Beals, AUSTIN of Gray, BABBIDGE of Kennebunk, BATES of Westbrook, BATTLE of South Portland, BEAR of the Houlton Band of Maliseet Indians, BEAVERS of South Berwick, BECK of Waterville, BEEBE-CENTER of Rockland, BICKFORD of Auburn, BLACK of Wilton, BLUME of York, BROOKS of Lewiston, BRYANT of Windham, BUCKLAND of Farmington, BURSTEIN of Lincolnville, CAMPBELL of Newfield, CAMPBELL of Orrington, CHACE of Durham, CHAPMAN of Brooksville, CHENETTE of Saco, CHIPMAN of Portland, COOPER of Yarmouth, COREY of Windham, CRAFTS of Lisbon, DANA of the Passamaquoddy Tribe, DAUGHTRY of Brunswick, DAVITT of Hampden, DeCHANT of Bath, DEVIN of Newcastle, DILLINGHAM of Oxford, DION of Portland, DOORE of Augusta, DUCHESNE of Hudson, DUNPHY of Embden, DUNPHY of Old Town, EDGECOMB of Fort Fairfield, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland, FARRIN of Norridgewock, FECTEAU of Biddeford, FOLEY of Wells, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GERRISH of Lebanon, GIDEON of Freeport, GILBERT of Jay, GILLWAY of Searsport, GINZLER of Bridgton, GOLDEN of Lewiston, GOODE of Bangor, GRANT of Gardiner, GREENWOOD of Wales, GROHMAN of Biddeford, GUERIN of Glenburn, HAMANN of South Portland, HANINGTON of Lincoln, HANLEY of Pittston, HARLOW of Portland, HARRINGTON of Sanford, HAWKE of Boothbay Harbor, HEAD of Bethel, HERBIG of Belfast, HERRICK of Paris, HICKMAN of Winthrop, HIGGINS of Dover-Foxcroft, HILLIARD of Belgrade, HOBART of Bowdoinham, HOBBS of Saco, HOGAN of Old Orchard Beach, HUBBELL of Bar Harbor, HYMANSON of York, JORGENSEN of Portland, KINNEY of Limington, KINNEY of Knox, KORNFIELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, LYFORD of Eddington, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARTIN of Eagle Lake, MARTIN of Sinclair, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McCREIGHT of Harpswell, McELWEE of Caribou, McLEAN of Gorham, MELARAGNO of Auburn, MITCHELL of the Penobscot Nation, MONAGHAN of Cape Elizabeth, MOONEN of Portland, MORRISON of South Portland, NADEAU of Winslow, NUTTING of Oakland, O'CONNOR of Berwick, ORDWAY of Standish, PARRY of Arundel, PETERSON of Rumford, PICCHIOTTI of Fairfield, PICKETT of Dixfield, PIERCE of Dresden, PIERCE of Falmouth, POULIOT of Augusta, POWERS of Naples, PRESCOTT of Waterboro, REED of Carmel, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAWICKI of Auburn, SCHNECK of Bangor, SEAVEY of Kennebunkport, SHERMAN of Hodgdon, SHORT of Pittsfield, SIROCKI of Scarborough, SKOLFIELD of Weld, STANLEY of Medway, STEARNS of Guilford, STETKIS of Canaan, STUCKEY of Portland, SUKEFORTH of Appleton, TEPLER of Topsham, THERIAULT of China, TIMBERLAKE of Turner, TIMMONS of Cumberland, TIPPING-SPITZ of Orono, TUCKER of Brunswick, TUELL of East Machias, TURNER of Burlington, VACHON of Scarborough, VEROW of Brewer, WADSWORTH of Hiram, WALLACE of Dexter, WARREN of Hallowell, WELSH of Rockport, WHITE of Washburn, WINSOR of Norway, WOOD of Greene, Senators:

ALFOND of Cumberland, BAKER of Sagadahoc, BRAKEY of Androscoggin, BREEN of Cumberland, BURNS of Washington, COLLINS of York, CUSHING of Penobscot, CYRWAY of Kennebec, DAVIS of Piscataquis, DIAMOND of Cumberland, DILL of Penobscot, EDGECOMB of Aroostook, GERZOFKY of Cumberland, GRATWICK of Penobscot, HAMPER of Oxford, HASKELL of Cumberland, HILL of York, JOHNSON of Lincoln, KATZ of Kennebec, LANGLEY of Hancock, LIBBY of Androscoggin, MASON of Androscoggin, McCORMICK of Kennebec, MILLETT of Cumberland, MIRAMANT of Knox, PATRICK of Oxford, ROSEN of Hancock, SAVIELLO of Franklin, President THIBODEAU of Waldo, VALENTINO of York, VOLK of Cumberland, WHITTEMORE of Somerset, WILLETTE of Aroostook, WOODSOME of York)

JOINT RESOLUTION HONORING THE LIVES OF THE 33 CREW MEMBERS OF THE EL FARO

WHEREAS, the *El Faro* departed Jacksonville, Florida for Puerto Rico on September 29, 2015 with 33 crew members aboard; and

WHEREAS, the crew of the *El Faro* consisted of 28 citizens of the United States and 5 Polish nationals; and

WHEREAS, the *El Faro* sent distress alerts on October 1, 2015 and subsequently sank with all hands that day; and

WHEREAS, members of the United States Coast Guard, Navy and Air Force valiantly searched for the crew members of the *El Faro*; and

WHEREAS, the people of Maine mourn the loss of the 33 crew members aboard the *El Faro*; 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, recognize and honor the lives of the 33 crew members aboard the *El Faro*, who were lost after the *El Faro* sank on October 1, 2015; and be it further

RESOLVED: That we recognize the efforts of the members of the United States Coast Guard, Navy, Air Force and Military Sealift Command who searched for the crew members of the *El Faro*; and be it further

RESOLVED: That we recognize the 4 crew members from Maine who were aboard the *El Faro*: Michael Davidson, of Windham; Michael Holland, of Wilton; Dylan Meklin, of Rockland; and Danielle Randolph, of Rockland; and also Mitchell Kuflik, of Brooklyn, New York, a graduate of Maine Maritime Academy; and be it further

RESOLVED: That we offer our heartfelt condolences to the families, friends and loved ones of the crew members of the *El Faro*.

READ.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Black.

Representative **BLACK**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today in honor of Michael Lee Holland, of Wilton, who was lost in sea on October 1, 2015, aboard the *El Faro*.

Mike was a 2008 graduate of Jay High School and a 2012 graduate of Maine Maritime Academy, who earned his Bachelor's Degree of Science in Marine Engineering Technology and for the past three years, served as Third Assistant Engineer for the TOTE Services. While I did not have the pleasure of knowing Michael personally, I can say that he was held in high regards by those who did. He was a selfless leader who worked hard and always gave 110 percent. A person who "loved life and lived it to the fullest" are just a few of the qualities that I have been described to me about Mike.

Mike Holland will certainly be missed. I would like to express my condolences to his parents, Roland Holland, Jr. and Debbie Roberts and the rest of his family, along with the other families gathered here today. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker, I am proud to represent the coastal Hancock County House District that includes the Town of Castine, home of the Maine Maritime Academy. Our thoughts are with the families and friends of the four Mainers and 29 others lost on the *El Faro* cargo ship.

Maine has a rich history of tradition of seafaring, exemplified today by the Maine Maritime Academy, a public institution of higher education where the Mainers, including the captain, aboard the *El Faro* were trained. As we respect the risks associated with the oceans, we honor the courage of those who answered the call of seafaring challenges. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Mr. Speaker, Ladies and Gentlemen of the House, we are here to honor the memory of five Maine Maritime Academy graduates. Captain Michael Davidson of Windham, Third Assistant Engineer Dylan Meklin of Rockland, Second Mate Danielle Randolph, also of Rockland, Third Assistant Engineer Michael Holland of Jay and recently of Wilton, and Mitchell Kuflik of Brooklyn, New York. These five merchant mariners and the entire 33-member crew of the cargo ship *SS El Faro* was lost at sea when the ship went down during Hurricane Joaquin in the Bahamas on Thursday October 1, 2015. We mourn the loss of our union brothers and sisters, members of the American Maritime Officers Union.

Mike Holland grew up in Jay. Like his extended family, he was liked, respected, and trusted by all who knew him. And also like them, he enjoyed Maine's outdoor heritage of hunting and fishing. Mike comes from a good family of hardworking, honest people who know the value of a good education. He attended Jay schools, excelled in baseball and football, and graduated from Jay High School in 2008.

Always one to accept a challenge, he chose to continue his studies at Maine Maritime Academy where much is expected of each student. He earned a degree in Marine Engineering Technology in 2012. Mike then chose to ship out as a merchant mariner, a career and trade in which he excelled in his short three-year work life. Michael grew up in Maine, was schooled in Maine, and chose to live in Maine. His positive attitude, his skills, his friendship, will be missed by the many people who knew him.

The SPEAKER: The Chair recognizes the Representative from Dedham, Representative Ward.

Representative **WARD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, President Brennan of Maine Maritime Academy, members of the families of those lost who are with us here today, and assembled guests, from our earliest days, Maine has been inextricably linked to the sea. It has said that even our name, "Maine," has to do with a practical nautical term, the "main" or "mainland," which served to distinguish the bulk of the state from our many offshore islands.

For generations, Maine has earned a reputation worldwide for our shipbuilding and seafaring skills. We've been a leader in every aspect of maritime shipping. In fact, it was in Maine that the first English ship, *The Virginia*, was launched in 1607 and to this day we build and sail ships from private yachts to stealthy, guided missile frigates. Sloops, lobster boats, and America's cup crews have all been part of our seafaring tradition. At our height in shipbuilding, one in three vessels sailing the world was built in

Maine. So ingrained in our history is this life on the sea that, indeed, on our state emblem and our state flag is a symbol of that life: a sailor.

When the cargo ship casts off lines and sets sail towards distant lands, it vanishes from society's collective memory and drifts into our unconscious like a dream. So rarely do we think about ships underway that it seems only headlines like "Tragedy at Sea" reaffirm their existence. But the ships are out there right now beyond the visible horizon delivering our oil, our clothes, our cars, and our phones. In fact, 90 percent of our trade is delivered in ships. There are over 100,000 ships at sea carrying everything we need to live—an economic lifeline.

But seafaring is different because the terrain is different. It's uncontrollable. Sailors know the ocean is lonely and perilous and yet, as they have done for centuries, they still muster the courage to say farewell to their families and work in the most challenging environment known to man, hoping to return home to port, guided by a familiar sight: the lighthouse, or in Spanish: *el faro*.

To the families of the 33, and particularly to those with us here today, we cannot bear, as you do, the full impact of this tragedy. But we do feel your loss. Your loved ones were daring and brave and they possessed a drive for adventure and exploration to see new worlds and all that this world had to offer. Their life was not for the faint hearted, but only for the brave.

To President Brennan, your staff and administration, the students of Maine Maritime Academy, we know you, too, have been grieving and that this has brought your students and your staff together. And we know that you will continue to dedicate yourselves to the reputation of excellence that the Academy has earned in its first 75 years. This loss reaffirms why you prepare and why you train your students so well. Trust your training and know that the sea is to be respected, but not feared.

Twenty-four years, almost to the day, before we lost *El Faro*, a perfect storm raged in the North Atlantic off the Gulf of Maine. Caught in that terrible confluence of two massive storms and a hurricane was a 72-foot sword fishing boat named the *Andrea Gail*. She was making for her home port of Gloucester. She and her six crewmen were never seen again. In Gloucester Harbor there is a memorial dedicated to "They that go down to the sea in ships" as described in the 107th Psalm. Near that is a cathedral where those lost on the *Andrea Gail* were eulogized with these words: "For those of us left behind, the vast unmarked grave which is home to those lost at sea is no consolation. It can't be visited. There is no headstone on which to rest a bunch of flowers. The only place we can revisit them is in our hearts and in our dreams. May you rest well in fair winds and calm seas." Thank you, Mr. Speaker.

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Mrs. Jeanette Currier, of New Limerick, who is 84 years of age, for her benevolent kindness extended over many years toward the Maliseet people. Mrs. Currier helped many destitute, sick and hungry Maliseet tribal members residing in dirt-floor, tarpaper shacks in a place then known as The Flats, along a stream now known as Captain Ambrose Bear Stream and adjacent to her family's store on Smyrna Street in Houlton. From 1948 to the early 1970s, she and her husband, Bill, ran the store and served the needs of the local tribal members, including extending credit and forgiving debts. They formed many personal relationships and employed many members of the tribe in their business. In the community on Hungry Hill located adjacent to the Houlton town dump, poverty and disease were rampant, but the Curriers did what they could to help. We join with the Maliseet Tribe in extending to Mrs. Currier our appreciation for the aid she extended to the Maliseet people in Houlton, and we offer her our best wishes;

(HLS 1027)

Presented by Representative BEAR of the Houlton Band of Maliseet Indians.

Cosponsored by Representative LONG of Sherman, Senator WILLETTE of Aroostook, Representative SHERMAN of Hodgdon.

On **OBJECTION** of Representative BEAR of the Houlton Band of Maliseet Indians, 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 Labor, Commerce, Research and Economic Development Pursuant to Statute

Representative HERBIG for the **Joint Standing Committee on Labor, Commerce, Research and Economic Development** on Bill "An Act To Amend Procedures for the Licensing of Architects and Foresters" (EMERGENCY)

(H.P. 1088) (L.D. 1598)

Reporting that it be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent for concurrence.

Refer to the Committee on Health and Human Services Pursuant to Resolve

Representative LUCHINI for the **Joint Standing Committee on Veterans and Legal Affairs** on Resolve, To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Authorizing MaineCare Transportation Services To Transport Veterans to Medical Appointments Administered by the United States Department of Veterans Affairs

(H.P. 1090) (L.D. 1599)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to Resolve 2015, chapter 48, section 7.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Refer to the Committee on Criminal Justice and Public Safety** on Bill "An Act Regarding Recovery of Emergency Response Costs Related to an OUI Offense"

(S.P. 335) (L.D. 944)

Signed:

Senators:

WHITTEMORE of Somerset
BAKER of Sagadahoc
GRATWICK of Penobscot

Representatives:

COOPER of Yarmouth
FOLEY of Wells
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

BECK of Waterville
BROOKS of Lewiston
MELARAGNO of Auburn
MORRISON of South Portland
TUCKER of Brunswick

Came from the Senate with the Majority **REFER TO COMMITTEE** Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

READ.

On motion of Representative BECK of Waterville, the Majority **Refer to the Committee on Criminal Justice and Public Safety** Report was **ACCEPTED**.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-356)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That 5 Percent of Signatures on a Direct Initiative of Legislation Come from Each County

(S.P. 272) (L.D. 742)

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York

Representatives:

LUCHINI of Ellsworth

GOLDEN of Lewiston
HANINGTON of Lincoln
KINNEY of Limington
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
TURNER of Burlington

Minority Report of the same Committee reporting **Ought Not to Pass** on same RESOLUTION.

Signed:

Senator:

PATRICK of Oxford

Representatives:

LONGSTAFF of Waterville

SCHNECK of Bangor

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-356)**.

READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative RUSSELL of Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I just want to rise briefly to acknowledge the bill that's before us right now. I will be voting against the pending motion. This bill is LD 742. We debated this bill three times in this body last year and it was sent back to the Veterans and Legal Affairs Committee.

This is a bill that changes the citizens' initiative and referendum process that we're all very familiar with. I believe that the bill before us is exactly the same as the bill we debated last year. All that was changed were the dates in the bill. So the policy that we're voting on is the same exact policy that we voted last year. My perspective is still that this is another barrier to collecting signatures in order to have a perspective heard on the ballot. That's something that's gone on in this state for 100 years. We don't have that much control over the citizens' initiative and referendum process and I'm okay with that. I was okay with that last year. I think I'll be okay with that into the future.

The policy before us, I just wanted to state because the title is a little bit confusing. The committee changed the bill. If this bill were to pass and become law, you'd have to collect 29,000 signatures in the Second Congressional District and you'd have to collect 31,000 signatures in the First Congressional District. It would be based on the amount of people that voted in the last gubernatorial election.

I understand there are different perspectives in the value of the citizens' initiative and referendum process. But I think that even if we pass this, paid signature gatherers would still exist. That would still be a thing that happens. I live in the Second Congressional District in Bangor and I think that what would happen in the future is very similar to what would happen now. People would go to collect the signatures where people live. That would largely be in service centers, state fairs, events where there are people. I don't see this bill changing that dramatically

and I do think that it's not helpful to create a new barrier to the process that's gone on for the last 100 years. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this bill was brought forth before the Veterans and Legal Affairs Committee as a result of some referendums, or a referendum, that had been received signatures in this state and then was put on before the people on the ballot.

This bill is merely a tool to use to give a fair shake to all Mainers throughout the state, whether the Mainers are from Jackman, Eastport, southern Maine, or from the County, or from Piscataquis County, whether it be Sebec, Milo, Brownville, Millinocket, etc. that petitions receive and gather signatures throughout the state and not specifically from one or two cities in the State of Maine. Therefore I rise in favor of the pending motion. Thank you, Mr. Speaker.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in very serious opposition to the pending motion. There are very few people in this state that understand the citizens' initiative process as well as I do, having put, hopefully, two on the ballot this fall with some very strong help from colleagues and friends.

There is no way to get on the ballot without CD 2. And let's be honest, that's what this is about. There is no way to get on the ballot without the approval of CD 2. There is also no way to win at the ballot box without CD 2. The referendum in question that was just referenced by my good friend from Limington, proved that point. CD 2 came out and voted against it in very, very strong numbers.

A lot of folks assume that because I live in Portland that I must just work out of the Portland office and must just focus on getting Portland folks help. But I understand that elections and signature drives are won and lost, not in the first district, but in the second district. It's why, when election day was happening, I was actually not in Portland. I was in Hampden collecting signatures—not paid, as a volunteer. I drove two hours north the night before, stayed overnight, and collected signatures there because I know that, again, signature drives and ballot initiatives are won and lost in Hampden and in Newport and in Aroostook County and Washington County.

The citizens' initiative was put into place in the first place so that people had an opportunity to disagree with the Legislature, to bring forth their own ideas. It was a policy that was put into place to circumvent us, to make sure that we were held accountable not just at the ballot box for our own elections, but also on the issues that we chose to push forward or we chose to take away.

This bill before us only addresses the citizens' initiative, which means that it is out of par with the people's veto process. One would think that the people's veto process and the citizen's initiative process should look the same. Under this bill, they would not. Both are constitutional issues. Secondly, the real concern is having a bunch of folks who can fund massive signature drives. Let's be honest, that's what this is about. This bill would make it so that only out of state interests and big signature drives would be able to do this. It is a logistical nightmare as it is to be able to get the signatures to the town clerks and verified. Every petition has to go to the town clerk. I spend a significant amount of my time driving all across the state to drop off petitions to town clerks because they have to get there

and they have to get verified. This would be a logistical nightmare for any everyday person.

What this would produce is not the seductive argument that CD 2 has a better say in the ballot process. It would actually eliminate, virtually, Maine people from having any say in the ballot initiative process. It would become exclusively a big money process. Everyday Mainers who want to bring an initiative forward would be unable to do so because the logistics would make it virtually impossible to make this happen. So if you want to undermine the citizens' initiative process, bring forward a bill and a constitutional amendment that eliminates it because that's what this will do. It will eliminate the citizens' initiative process for everyday Mainers. If that's what you want, bring it forward. This backdoor entrance to "reforming," quote, unquote, the citizens' initiative process does little to help everyday Mainers who may disagree with us and does everything to ensure the power of this institution exclusive from the people. If you want a corporate initiative process, vote for this amendment. If you want a citizens' initiative process, I would urge you to follow my light and vote red.

Again, there are very few people who understand the logistics, who have done the work, who have been up until four, six o'clock in the morning doing this work as a volunteer. No one understands the back end like I do and let me tell you, without equivocation, this is not a southern part of the state versus northern part of the state question. This is an in-state versus out-of-state question. So I will repeat one last time: if you want a corporate, or out-of-state, driven process, vote for this amendment. If you want a citizens' initiative process, vote against it. And if you would like, as many people in this room would like, to eliminate the citizens' initiative process, then put it on the ballot and ask the people of Maine if they value their initiative or not.

We have five initiatives, potentially, on the ballot this fall. I would think very, very carefully about your elections this fall and how many of those organizations are going to send mailers into your district letting them know—the very people that signed these petitions—letting them know that you voted to undermine this process. The citizens are very strong on this. This year is, without question, demonstrating the passion and the fire behind the citizens' initiative process. That's all I have to say. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in favor of the pending motion. I have been contacted by a number of people in my district that favor this bill and I have been contacted by a number of people in my district and outside of my district that enjoy our great outdoors and hunting and fishing that are in favor of this bill and therefore, I strongly support the pending motion and will be voting in favor of the motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I hadn't planned on speaking today, but the former town clerk in me is pushing me to speak. I was the town clerk in Burlington for 10 years. There's 360 people in Burlington. Being the town clerk was one of my favorite jobs.

In the 10 years, petitions came forward. One. One. That's exactly why this bill is before us, so little towns like Burlington, Topsfield, and Dennysville can have a right to say and those citizens can participate in this. So I strongly urge you, for rural

parts of this section, to support the motion in front of you. Thank you, Mr. Speaker.

Representative FREDETTE of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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'm not a fan of the initiative process. I'll say that right now. I think, too often, sometimes it's abused by people in government who prefer to use that process or from out-of-state interests and my concern with it is that we have sometimes an initiative of 13, 14 pages that has to be answered by a yes/no question. There's no public hearing. There's no work session. There's no deliberation between parties, between chambers, and I think sometimes we pump the ball too often.

However, it came of age a century ago because it was needed as the people's right to occasionally take action that is in contrast, or that is reluctantly not taken up by the chamber. However, I like to rise only when something needs to be said that has not been mentioned and, to me, this issue is not about geography, it's about respect. One person, one vote. If there are enough people—10 percent of the people that voted in the last gubernatorial election—that want something to happen, I think we should listen to that. And put it on the ballot and that's any Mainer, whether it be where I grew up in South Portland, where my family is from—the Rockland area in Knox County—where I spent a good deal of my teaching career in Greenville in Piscataquis County, Mainers are Mainers and we should respect their right to bring this forward. We are equal and therefore I'll be voting "no." Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 476

YEA - Alley, Austin, Battle, Beck, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farrin, Foley, Fredette, Gerrish, Gilbert, Gillway, Ginzler, Golden, Greenwood, Grohman, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hobart, Hubbell, Kinney J, Kinney M, Kumiega, Lockman, Long, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McElwee, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pouliot, Prescott, Reed, Sanderson, Saucier, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood.

NAY - Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Goode, Grant, Hamann, Harlow, Herbig, Hobbins, Hogan, Hymanson, Jorgensen, Kornfield, Kruger, Lajoie, Longstaff, Mastraccio, McCreight, McLean, Melaragno, Moonen, Morrison, Nadeau, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Schneck, Sukeforth, Tepler, Tipping-Spitz, Tucker, Welsh, Mr. Speaker.

ABSENT - McClellan, Monaghan, Pierce J, Stuckey.

Yes, 90; No, 57; Absent, 4; Excused, 0.

90 having voted in the affirmative and 57 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolution was **READ ONCE**. **Committee Amendment "B" (S-356)** was **READ** by the Clerk and **ADOPTED**. The Resolution was assigned for **SECOND READING** Thursday, February 25, 2016.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste Energy Resources"

(H.P. 191) (L.D. 273)

Signed:

Senator:

MASON of Androscoggin

Representatives:

DUNPHY of Embden

GROHMAN of Biddeford

HIGGINS of Dover-Foxcroft

O'CONNOR of Berwick

WADSWORTH of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-519)** on same Bill.

Signed:

Senator:

WOODSOME of York

Representatives:

DION of Portland

BABBIDGE of Kennebunk

BEAVERS of South Berwick

DeCHANT of Bath

READ.

On motion of Representative DION of Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 619) (L.D. 1571) Resolve, To Name a Bridge between Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 568) (L.D. 1470) Bill "An Act To Amend Maine's Death Certificate Disclosure Law" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-358)**

(H.P. 1059) (L.D. 1556) Resolve, Regarding Legislative Review of Portions of Chapter 40: Rule for Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1062) (L.D. 1559) Bill "An Act To Encourage Roller Derby" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1008) (L.D. 1485) Bill "An Act To Allow the Director of the Bureau of Parks and Lands To Transfer Ownership of Snowmobile Trail Maintenance Equipment to Incorporated Nonprofit Snowmobile Clubs" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-520)**

(H.P. 1046) (L.D. 1521) Bill "An Act To Create Equity among Essential Nonprofit Health Care Providers in Relation to the Sales Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-521)**

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

ENACTORS

Emergency Measure

An Act To Facilitate Student Loan Repayment by Allowing Graduates To Claim Educational Opportunity Tax Credits on Eligible Portions of Consolidated Loans

(H.P. 1028) (L.D. 1505)

(C. "A" H-512)

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. 142 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

Resolve, Regarding Legislative Review of Chapter 30: Prior Approval Process and Stop Work Orders, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry

(H.P. 999) (L.D. 1458)

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. 145 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.

Acts

An Act Regarding Sales Representatives Employed by Licensed Wholesalers

(S.P. 564) (L.D. 1466)

(C. "A" S-357)

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.

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

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 Thursday, February 18, 2016, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

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)

TABLED - February 18, 2016 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **RECONSIDERATION** (Returned by the Governor without his approval).

Subsequently, after reconsideration, the House proceeded to vote on the question, 'Shall this Resolve become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 477V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Guerin, Hamann, Hanington, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Moonen, Morrison, Nadeau, Nutting, Ordway, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Dunphy L, Farrin, Fredette, Greenwood, Hanley, Kinney M, O'Connor, Parry, Sirocki.

ABSENT - Beck, Frey, McClellan, Monaghan, Pierce J, Stuckey.

Yes, 136; No, 9; Absent, 6; Excused, 0.

136 having voted in the affirmative and 9 voted in the negative, with 6 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act Regarding Consent to Land Transfers to the Federal Government"

(H.P. 1091) (L.D. 1600)

Sponsored by Representative STANLEY of Medway. (GOVERNOR'S BILL)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** 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 Implement the Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes"

(H.P. 1094) (L.D. 1603)

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.

**REPORTS OF COMMITTEE
Refer to the Committee on Judiciary
Pursuant to Resolve**

Representative HICKMAN for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Implement the Recommendations of the Task Force To Ensure Integrity in the Use of Service Animals"

(H.P. 1092) (L.D. 1601)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to Resolve 2015, chapter 36, section 3.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent for concurrence.

**Refer to the Committee on Transportation
Pursuant to Resolve**

Representative LUCHINI for the **Joint Standing Committee on Veterans and Legal Affairs** on Resolve, To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Establishing a Pilot Project To Inform the Development of a Long-term Transportation Policy To Assist Veterans

(H.P. 1093) (L.D. 1602)

Reporting that it be **REFERRED** to the Committee on **TRANSPORTATION** pursuant to Resolve 2015, chapter 48.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **TRANSPORTATION**.

Sent for concurrence.

Pursuant to House Rule 201.1.H, the Speaker appointed Representative GOODE of Bangor to serve as Speaker Pro Tem when the House convenes on Thursday, February 25, 2016 at 10 a.m.

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

On motion of Representative WARD of Dedham, the House adjourned at 11:28 a.m., until 10:00 a.m., Thursday, February 25, 2016, in honor and lasting tribute to Irving L. Cole, of Greenwood; Charles Edward Burnham, Jr., of Rumford Point; Sherry Denise Ward, of Otis; Henry P. Desroches, of Dixfield; David Doble Lunt, of New Gloucester; and the 33 crew members of the *El Faro*.