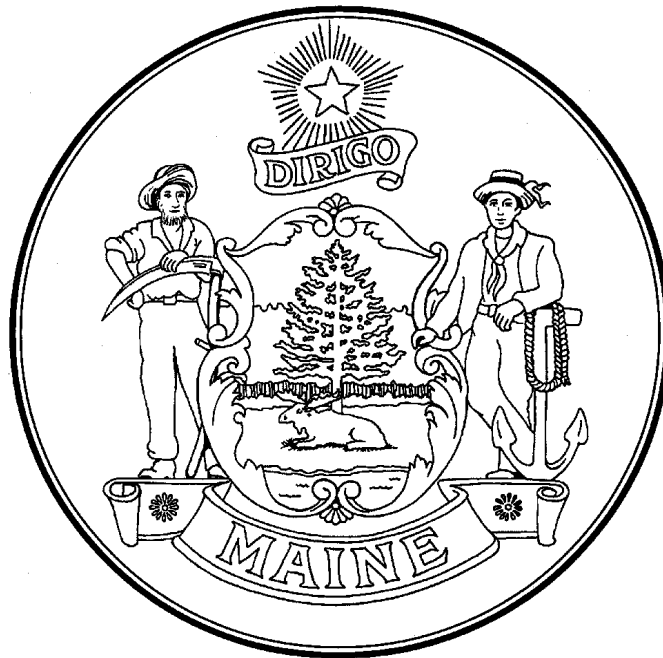


MAINE STATE LEGISLATURE

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Journal and Legislative Record
House of Representatives
One Hundred and Twenty-Eighth Legislature
State of Maine

Daily Edition

First Regular Session
beginning December 7, 2016

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ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
3rd Legislative Day
Thursday, January 5, 2017

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

Prayer by Reverend Jane MacIntyre, South Parish Congregational Church, United Church of Christ, Augusta.
Pledge of Allegiance.
Doctor of the day, Maggie Bordeau, D.O., Biddeford.
The Journal of yesterday was read and approved.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Allow Conveyance of Land Previously Conveyed by the State to the Town of Bridgton"

(H.P. 8) (L.D. 7)

Sponsored by Representative GINZLER of Bridgton.
Cosponsored by Senator HAMPER of Oxford.

Bill "An Act To Protect Maine's Forest Rangers"

(H.P. 9) (L.D. 8)

Sponsored by Representative TUELL of East Machias.
Cosponsored by Senator MAKER of Washington and Representatives: ALLEY of Beals, COREY of Windham, FOLEY of Wells, HANINGTON of Lincoln, JOHANSEN of Monticello, NADEAU of Winslow, PICCHIOTTI of Fairfield, PICKETT of Dixfield.

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 Prohibit the Creation of a Firearms Owner Registry"

(H.P. 10) (L.D. 9)

Sponsored by Representative COREY of Windham.
Cosponsored by Senator DIAMOND of Cumberland and Representatives: ALLEY of Beals, ESPLING of New Gloucester, HERRICK of Paris, MARTIN of Sinclair, PIERCE of Dresden, STANLEY of Medway, Senators: COLLINS of York, CUSHING of Penobscot.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

Bill "An Act To Build Greater Accountability into the General Assistance Program by Increasing the Penalty for Falsely Representing Information on an Application for General Assistance"

(H.P. 11) (L.D. 10)

Sponsored by Representative PICCHIOTTI of Fairfield.
Cosponsored by Senator WHITEMORE of Somerset and Representatives: ALLEY of Beals, BICKFORD of Auburn, BRADSTREET of Vassalboro, FOLEY of Wells, REED of Carmel, STETKIS of Canaan, TUELL of East Machias, WINSOR of Norway.

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish
(H.P. 12) (L.D. 11)

Sponsored by Representative WOOD of Greene.
Cosponsored by Representative WARD of Dedham, Senator JACKSON of Aroostook and Representatives: DUNPHY of Old Town, FARRIN of Norridgewock, GROHMAN of Biddeford, HARVELL of Farmington, MARTIN of Sinclair, O'CONNOR of Berwick, PIERCE of Dresden, SIMMONS of Waldoboro.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent for concurrence.

Bill "An Act To Incorporate Protections for Living Donors into Maine Law"

(H.P. 13) (L.D. 12)

Sponsored by Representative NADEAU of Winslow.
Cosponsored by Senator DIAMOND of Cumberland and Representatives: FARNSWORTH of Portland, HICKMAN of Winthrop, LONGSTAFF of Waterville, SCHNECK of Bangor, TUELL of East Machias, Senators: CHIPMAN of Cumberland, COLLINS of York, DION of Cumberland.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Require Certain Licensing Boards To Report Cases of Sexual Abuse of a Patient or Client by a Licensee to a Law Enforcement Agency or the Department of Health and Human Services"

(H.P. 14) (L.D. 13)

Sponsored by Representative ESPLING of New Gloucester.
Cosponsored by Senator VOLK of Cumberland and Representative: HANLEY of Pittston, Senator: DIAMOND of Cumberland.

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.

Bill "An Act To Extend the Legal Hours for Harvesting Lobster"

(H.P. 15) (L.D. 14)

Sponsored by Representative KUMIEGA of Deer Isle.
Committee on **MARINE RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed.

Sent for concurrence.

Bill "An Act Concerning the Property Tax Levy Limit"

(H.P. 16) (L.D. 15)

Sponsored by Representative HANLEY of Pittston.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: BRADSTREET of Vassalboro, JOHANSEN of Monticello, ORDDAY of Standish, PIERCE of Dresden, WALLACE of Dexter.

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.

Bill "An Act To Exempt Certain Individuals Who Are 70 Years of Age or Older from Maine Income Tax"

(H.P. 17) (L.D. 16)

Sponsored by Representative FOLEY of Wells.

Cosponsored by Senator COLLINS of York and Representatives: HIGGINS of Dover-Foxcroft, MAREAN of Hollis, MASTRACCIO of Sanford, PICCHIOTTI of Fairfield, STEWART of Presque Isle, TUELL of East Machias, VACHON of Scarborough, WHITE of Washburn.

Committee on **TAXATION** suggested and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative MARTIN of Eagle Lake, the following House Order: (H.O. 12)

ORDERED, that the House Rules be amended by amending House Rule 525 to read:

Rule 525. Penobscot Nation, Houlton Band of Maliseet Indians and Passamaquoddy Tribe. The member of the Penobscot Nation, the member of the Houlton Band of Maliseet Indians and the member of the Passamaquoddy Tribe elected ~~or appointed~~ to represent their people at the biennial session of the Legislature must be granted seats on the floor of the House of Representatives; be granted, by consent of the Speaker, the privilege of speaking on pending legislation; must be appointed to sit with joint standing committees as nonvoting members during the committees' deliberations; and be granted such other rights and privileges as may from time to time be voted by the House of Representatives. In reports from committees on which a tribal member serves, the position of the member must be noted and included. The names of the member of the Penobscot Nation, the member of the Houlton Band of Maliseet Indians and the member of the Passamaquoddy Tribe elected ~~or appointed~~ to represent their people at the biennial session of the Legislature must be included on the roll call board for purposes of electronically recording their attendance only.

Committee on **HOUSE RULES** suggested.

READ and **REFERRED** to the Committee on **HOUSE RULES**.

On motion of Representative PIERCE of Dresden, the following House Order: (H.O. 10)

ORDERED, that the House Rules be amended by amending House Rule 511 to read:

Rule 511. Motion to reconsider. When a motion has been made and carried in the affirmative or negative, it is in order for any member who voted with the prevailing side, or in the negative on a tie vote, to move to reconsider on the same or succeeding day. A vote of 2/3 of the members present is necessary to reconsider a motion. A motion to reconsider may not be tabled unassigned. A motion to reconsider is not in order more than once on the same question. When a member moves or gives notice of the member's intention to move a reconsideration of any vote, the papers to which the motion relates must remain in possession of the Clerk until the question of reconsideration has been decided, or the right to move such a question is lost. Notwithstanding the provisions of this rule, any member may move for reconsideration of a committee reference on the floor—A, and a majority vote is necessary to overturn the original committee of reference.

Committee on **HOUSE RULES** suggested.

READ and **REFERRED** to the Committee on **HOUSE RULES**.

On motion of Representative ESPLING of New Gloucester, the following House Order: (H.O. 11)

ORDERED, that the House Rules be amended by amending House Rule 109 to read:

Rule 109. Use of personal electronic communication devices. During all sessions of the House, a member shall restrict that member's use of all personal electronic communication devices to personal business and business of the House and shall in such use exercise high standards of discretion, conduct and decorum. A member may take a photograph or record or transmit video with a personal electronic communication device during a session of the House if such taking, recording or transmitting does not cause a distraction or impede the business of the House. A member may not take a photograph or record or transmit video with a personal electronic communication device during a joint convention.

Committee on **HOUSE RULES** suggested.

READ and **REFERRED** to the Committee on **HOUSE RULES**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Wayne Tuell, of East Machias, who is retiring after working for 27 years at the University of Maine at Machias. Mr. Tuell worked nights and weekends during much of that time, serving as custodian and snow plow operator, as well as operating a custom sawmill business in his spare time. We congratulate Mr. Tuell on his retirement and send him our best wishes;

(SLS 4)

On **OBJECTION** of Representative TUELL of East Machias, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you Madam Speaker, I rise today to say a few brief words about my father who retired from the University of Maine Machias in October, after 27 years and as the Senator from Washington said the other day in the Senate, often times the folks that work in custodial services are on the front lines of service and they're the ones that our students, particularly in colleges all across the system, they are the ones that people interact with every day. And often times they are the folks that kids, students of all ages, learn from the most and learn life's lessons from. In fact, I might even go so far as to say that there are members in this body who attended the University of Maine at Machias when my father first started out in custodial service, back in the late 80's. So, I say that because folks like my father, and others have done so much for our students, they have become advisors, coaches, whatever word you want to use and they fulfill a role that doesn't often get acknowledged in the operations of our universities and our public service. So, to everyone, and especially my father, who for many years, kept the campus plowed, kept the place clean, kept it looking nice, kept it something that folks could be proud of. I will say, thank you and on a personal note, I can honestly tell you the reason why I have 14 bills this session, is because of my father's incredible work ethic. And I will tell you that he has been a role model and I'm very proud of him. Just like to thank him for his service to the State of Maine. Thank you.

Subsequently, this Expression of Legislative Sentiment was **PASSED** in concurrence.

In Memory of:

Clinton B. "Bill" Townsend, of Canaan, a tireless advocate for Maine's environment for over 50 years. Mr. Townsend began work with the Natural Resources Council of Maine in 1960. A skilled attorney, he helped lead the campaign to create the Allagash Wilderness Waterway and also helped to stop a dam at Big Amberjackmockamus Falls as well as the proposed Basin Mills Dam in the lower Penobscot watershed. He led many negotiations over the years to stop destructive practices and protect places at risk. Mr. Townsend was a member of the council's Board of Directors for nearly 30 years and served as president from 1965 to 1970. He also served the State in numerous posts, including as a member of the Land Use Regulation Commission, the Land for Maine's Future Board, the Whitewater Rafting Advisory Committee and the Task Force on Water Pollution Control. President George H.W. Bush appointed him as one of three American commissioners of the North Atlantic Salmon Conservation Organization. Mr. Townsend will be long remembered for his dedication to environmental issues and will be sadly missed by his loving family and many friends;

(HLS 14)

Presented by Representative AUSTIN of Skowhegan. Cosponsored by Senator WHITTEMORE of Somerset, Representative STETKIS of Canaan.

On **OBJECTION** of Representative MARTIN of Eagle Lake, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you Madam Speaker and Members of the House. It really is a pleasure for me to get up and say a few words about Bill Townsend. I first met him in

1965 working on the Allagash Waterway proposal. We didn't always agree, but I can sure tell you all that he made his point very clear to all of us, and in the end, we would most of the time, I'd say 99% of the time came around to agree with him. I also worked with him on the Land Use Regulations Commission and I just want to point out that this individual in many ways has done more for the environment than most of us in this room and we need more people like him to volunteer to work in helping Maine's environment.

And so, I wanted to take this opportunity to really, on behalf of myself and others, who feel very strongly about Bill's work, wish his wife and family extremely well in years to come.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you Madam Speaker. As a young boy growing up in the Town of Canaan, you know, Bill Townsend and his wife Louise Townsend, icons of our community. Always there with a helping hand. Always there to contribute to local causes, but myself and many of my friends, what we are going to miss most about Bill is our extended conversations of his fly fishing adventures and our great love of the outdoors. Thank you, Madam Speaker.

Subsequently, this Expression of Legislative Sentiment was **ADOPTED** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 9)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, January 10, 2017 at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

Bill "An Act To Prohibit Insurance Carriers from Retroactively Reducing Payment on Clean Claims Submitted by Pharmacies"

(S.P. 10) (L.D. 6)

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

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

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

On motion of Representative GOLDEN of Lewiston, the House adjourned at 10:39 a.m., until 10:00 a.m., Tuesday, January 10, 2017, pursuant to the Joint Order (S.P. 9) and in honor and lasting tribute to Ronald K. Bakeman, of Orland; Ronald J. Woodman, of Orland; Daniel L. Leclerc, of Orland; Frances Carroll Fitzgerald Haas, of Prospect; and Clinton B. "Bill" Townsend, of Canaan.