

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
4th Legislative Day
Tuesday, January 10, 2017

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

Prayer by Reverend David Collins, Coastal Community Church of Scarborough.

National Anthem by Caitlin Paul, Pittston.

Pledge of Allegiance.

The Journal of Thursday, January 5, 2017 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 20)

**SENATE OF MAINE
128TH LEGISLATURE
OFFICE OF THE PRESIDENT**

January 5, 2017

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under Joint Rule 354, I have made the following appointments to the Committee on Joint Rules:

Senator Garrett P. Mason of Androscoggin, Chair

Senator Andre E. Cushing III of Penobscot

Senator Paul T. Davis, Sr. of Piscataquis

Senator Troy D. Jackson of Aroostook

Senator Nathan L. Libby of Androscoggin

If you have any questions regarding these appointments, please do not hesitate to contact my office.

Sincerely,

S/Michael Thibodeau

President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 18)

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE**

January 4, 2017

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333-0002

Dear Speaker Gideon:

The following is a summary of the results of the November 8, 2016 Referendum Election, as derived from the accompanying copies of the Governor's Proclamations and the Secretary of State's Official Tabulation of the election results.

Question 1: Citizen Initiative

Number of Votes in Favor 381,768

Number of Votes Opposed 377,773

A recount was conducted for Question 1 on December 5-16. At the conclusion of the recount, the above-referenced vote totals were agreed to by the participants. These totals include the recount results for those municipalities that were recounted, as well as the election night totals for the municipalities that were not recounted. The Governor signed the proclamation for Question 1 on December 31, 2016.

Question 2: Citizen Initiative

Number of Votes in Favor 383,428

Number of Votes Opposed 373,848

Although a recount was requested for this ballot measure, the request was withdrawn on November 29, 2016, prior to the start of the recount. The Governor signed the proclamation for Question 2 on December 11, 2016.

Question 3: Citizen Initiative

Number of Votes in Favor 366,770

Number of Votes Opposed 394,157

The Governor signed the proclamation for Question 3 on December 8, 2016.

Question 4: Citizen Initiative

Number of Votes in Favor 420,892

Number of Votes Opposed 337,486

The Governor signed the proclamation for Question 4 on December 8, 2016.

Question 5: Citizen Initiative

Number of Votes in Favor 388,273

Number of Votes Opposed 356,621

The Governor signed the proclamation for Question 5 on December 8, 2016.

Question 6: Bond Issue

Number of Votes in Favor 457,864

Number of Votes Opposed 290,062

The Governor signed the proclamation for Question 6 on December 8, 2016.

Sincerely,

S/Matthew Dunlap

Secretary of State

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 19)

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

January 10, 2017

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On January 5, 2017

Joel C. Allumbaugh of Pittston for reappointment to the Maine Governmental Facilities Authority.

Pursuant to Title 4, MRSA §1602, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.

Philip A. Brookhouse of Auburn for reappointment to the Board of Trustees, Maine Public Employees Retirement System.

Pursuant to Title 5, MRSA §17102, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Appropriations and Financial Affairs.

Ms. Barbara J. Dresser, Esq. of Saco for reappointment to the Gambling Control Board.

Pursuant to Title 8, MRSA §1002, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Ret. Chief Alfred R. Skolfield of Winthrop for appointment to the Gambling Control Board.

Pursuant to Title 8, MRSA §1002, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

John G. Melrose of Vassalboro for reappointment to the Northern New England Passenger Rail Authority.

Pursuant to Title 23, MRSA §8112, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Transportation.

Honorable Richard A. Nass of Acton for reappointment to the Maine Board of Tax Appeals.

Pursuant to Title 36, MRSA §151-D, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Taxation.

On January 6, 2017

Earle A. Cianchette of Saco and

Honorable W. Thomas Sawyer, Jr. of Richmond Hills, GA for reappointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P&SL 1975, Chapter 771 §428, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Daniel G. Casavant of Waterville and

Rebecca A. Grant of Augusta for reappointment to the State Civil Service Appeals Board.

Pursuant to Title 5, MRSA §7081, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.

Geoffrey S. Smith of Portland for reappointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA §6024, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

Ronald A. Trundy of Stonington for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA §6024, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

Laurence R. Grondin of Scarborough and

Dr. David M. MacMahon of Poland for reappointment to the Maine Community College System, Board of Trustees.

Pursuant to Title 20-A, MRSA §12705, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Sara Gideon

Speaker of the House

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers"

(H.P. 33) (L.D. 47)

Sponsored by Representative FECTEAU of Biddeford.

Cosponsored by Senator WOODSOME of York and Representatives: AUSTIN of Skowhegan, DUNPHY of Old Town, HIGGINS of Dover-Foxcroft, NADEAU of Winslow, ORDDWAY of Standish, PICCHIOTTI of Fairfield, POULIOT of Augusta, Senator: DESCHAMBAULT of York.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Eliminate Retirement Benefits and Paid Health Insurance for Legislators Elected after 2017"

(H.P. 18) (L.D. 17)

Sponsored by Representative FARRIN of Norridgewock.

Cosponsored by Senator BRAKEY of Androscoggin and Representatives: DILLINGHAM of Oxford, GRIGNON of Athens, HANLEY of Pittston, ORDDWAY of Standish, WARD of Dedham.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative GATTINE of Westbrook, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

Bill "An Act To Make Exposing a Law Enforcement Officer to a Disorienting Substance a Crime"

(H.P. 19) (L.D. 18)

Sponsored by Representative O'CONNOR of Berwick.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: GERRISH of Lebanon, HARRINGTON of Sanford, HARVELL of Farmington, ORDDWAY of Standish, THERIAULT of China, Senators: COLLINS of York, CYRWAY of Kennebec.

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 Provide for Fairness in the Transfer of Students" (EMERGENCY)

(H.P. 34) (L.D. 48)

Sponsored by Representative HIGGINS of Dover-Foxcroft.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: HANINGTON of Lincoln, KINNEY of Knox, MAREAN of Hollis, STROM of Pittsfield, THERIAULT of China, TURNER of Burlington.

Bill "An Act To Improve Science and Engineering Education for Maine's Students"

(H.P. 35) (L.D. 49)

Sponsored by Representative DEVIN of Newcastle.

Cosponsored by Representative POULIOT of Augusta, Senator MILLETT of Cumberland, Senator LANGLEY of Hancock and Representatives: DAUGHTRY of Brunswick, HIGGINS of Dover-Foxcroft, HUBBELL of Bar Harbor, PIERCE of Falmouth, STEARNS of Guilford, STEWART of Presque Isle, Senators: DILL of Penobscot, MAKER of Washington.

Bill "An Act To Amend the Laws Governing Teacher Certification"

(H.P. 36) (L.D. 50)

Sponsored by Representative PICCHIOTTI of Fairfield.

Cosponsored by Senator DOW of Lincoln and Representatives: GERRISH of Lebanon, HERRICK of Paris, LOCKMAN of Amherst, STEARNS of Guilford, STROM of Pittsfield, VACHON of Scarborough, WARD of Dedham, Senator: WHITEMORE of Somerset.

Bill "An Act Regarding the Withdrawal of a Single Municipality from a Regional School Unit"

(H.P. 37) (L.D. 51)

Sponsored by Representative TURNER of Burlington.
Cosponsored by Senator MAKER of Washington and Representatives: HANINGTON of Lincoln, HEAD of Bethel, KINNEY of Knox, MASTRACCIO of Sanford, McCREA of Fort Fairfield, PARRY of Arundel, TUELL of East Machias, WALLACE of Dexter.

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 Assist Residents of Nursing Homes To Return to Their Communities"

(H.P. 20) (L.D. 19)

Sponsored by Representative SANDERSON of Chelsea.

Cosponsored by Senator BRAKEY of Androscoggin and Representatives: CHACE of Durham, HAMANN of South Portland, HEAD of Bethel, MALABY of Hancock.

Bill "An Act To Reimburse Nursing Homes for the Loss of Coinsurance and Deductibles for Skilled Nursing Beds under Rules Adopted by the Department of Health and Human Services"

(H.P. 21) (L.D. 20)

Sponsored by Representative MALABY of Hancock.

Cosponsored by Representatives: CHACE of Durham, HANINGTON of Lincoln, HAWKE of Boothbay Harbor, SANDERSON of Chelsea, Senator: BRAKEY of Androscoggin.

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.

Bill "An Act To Exempt Certain Veterans from Hunter Safety Courses"

(H.P. 38) (L.D. 52)

Sponsored by Representative WALLACE of Dexter.

Cosponsored by Senator DOW of Lincoln and Representatives: ESPLING of New Gloucester, FARRIN of Norridgewock, HANINGTON of Lincoln, PICCHIOTTI of Fairfield, PIERCE of Dresden, SIMMONS of Waldoboro, TURNER of Burlington, Senator: DAVIS of Piscataquis.

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 Amend the Law Regarding the Execution of Temporary Powers of Attorney"

(H.P. 22) (L.D. 21)

Sponsored by Representative SANDERSON of Chelsea.

Cosponsored by Representatives: GINZLER of Bridgton, GUERIN of Glenburn, HARVELL of Farmington, MALABY of Hancock.

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

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

Sent for concurrence.

Bill "An Act To Repeal the Requirement That Municipalities License Roller-skating Rinks"

(H.P. 23) (L.D. 22)

Sponsored by Representative TURNER of Burlington.

Cosponsored by Senator MAKER of Washington and Representatives: HANINGTON of Lincoln, HEAD of Bethel, KINNEY of Knox, MAREAN of Hollis, McCREA of Fort Fairfield, PARRY of Arundel, TUELL of East Machias, WALLACE of Dexter.

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 Provide for Legislative Review of Federally Mandated Major Substantive Rules under the Maine Administrative Procedure Act"

(H.P. 24) (L.D. 23)

Sponsored by Representative ZEIGLER of Montville.

Cosponsored by Representatives: CHAPMAN of Brooksville, SCHNECK of Bangor.

Bill "An Act To Change the Name of Township 17, Range 4, WELS, in the Unorganized Territory to Sinclair"

(H.P. 25) (L.D. 24)

Sponsored by Representative MARTIN of Sinclair.

Cosponsored by Senator JACKSON of Aroostook and Representative: MARTIN of Eagle Lake.

Bill "An Act To Remove the Legislative Council from the Capitol Area Development Approval Process"

(H.P. 26) (L.D. 25)

Sponsored by Representative ESPLING of New Gloucester.

Cosponsored by Representative: FREDETTE of Newport, Senators: CUSHING of Penobscot, MASON of Androscoggin, President THIBODEAU of Waldo.

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 Lower the Maine Motor Vehicle Excise Tax"

(H.P. 27) (L.D. 26)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Senator COLLINS of York and Representatives: HARRINGTON of Sanford, HARVELL of Farmington, ORDDAY of Standish, SKOLFIELD of Weld, STEWART of Presque Isle.

Bill "An Act To Exempt Sales to Parent-Teacher Organizations from the Sales Tax"

(H.P. 28) (L.D. 27)

Sponsored by Representative TURNER of Burlington.

Cosponsored by Senator CYRWAY of Kennebec and Representatives: HANINGTON of Lincoln, HEAD of Bethel, HUBBELL of Bar Harbor, MASTRACCIO of Sanford, PARRY of Arundel, PERRY of Calais, TUELL of East Machias, WALLACE of Dexter.

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

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

Sent for concurrence.

Bill "An Act To Allow Alternate Flashing Headlights on a School Bus"

(H.P. 29) (L.D. 28)

Sponsored by Representative LUCHINI of Ellsworth.
Cosponsored by Senator LANGLEY of Hancock.

Bill "An Act To Reduce Penalties for Violations of the Motor Vehicle Inspection Laws"

(H.P. 30) (L.D. 29)

Sponsored by Representative CEBRA of Naples.
Cosponsored by Senator COLLINS of York and Representatives: DILLINGHAM of Oxford, GILLWAY of Searsport, HARRINGTON of Sanford, HARVELL of Farmington, PARRY of Arundel, SKOLFIELD of Weld, STEWART of Presque Isle.

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

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

Sent for concurrence.

Bill "An Act Regarding Dancing on the Premises of Certain Liquor Licensees"

(H.P. 31) (L.D. 30)

Sponsored by Representative TURNER of Burlington.
Cosponsored by Senator MAKER of Washington and Representatives: HANINGTON of Lincoln, KINNEY of Limington, KINNEY of Knox, MAREAN of Hollis, McCREA of Fort Fairfield, PARRY of Arundel, TUELL of East Machias, WALLACE of Dexter.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District

(H.P. 32) (L.D. 31)

Sponsored by Representative ESPLING of New Gloucester.
Cosponsored by Representatives: KINNEY of Limington, SUTTON of Warren, Senator SAVIELLO of Franklin, Senator DIAMOND of Cumberland and Representatives: GUERIN of Glenburn, HARVELL of Farmington, LUCHINI of Ellsworth, STEWART of Presque Isle.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Payment Per Signature for Citizen Petition Drives

(H.P. 39) (L.D. 53)

Sponsored by Representative GUERIN of Glenburn.
Cosponsored by Senator MAKER of Washington and Representatives: GILLWAY of Searsport, LUCHINI of Ellsworth, NADEAU of Winslow, PICKETT of Dixfield, TUELL of East Machias, Senators: DIAMOND of Cumberland, DILL of Penobscot, KATZ of Kennebec.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative ESPLING of New Gloucester, the following House Order: (H.O. 13)

ORDERED, that the House Rules be amended by amending House Rule 503 to read:

Rule 503. Motions and concurrence. The following rules apply to motions and questions of concurrence with the Senate.

A. When a question is under debate, a motion may not be received, except a motion:

1st. To adjourn;

~~2nd. To table unassigned;~~

~~3rd. 2nd.~~ For the previous question;

~~4th. 3rd.~~ To commit;

~~5th. 4th.~~ To table to a day certain;

~~6th. 5th.~~ To amend; or

~~7th. 6th.~~ To postpone indefinitely.

These motions have precedence in the order in which they are arranged. A motion to adjourn must be decided without debate. A motion to table unassigned is prohibited.

B. Questions of concurrence with the Senate have precedence in the following order:

1st. To recede;

2nd. To concur;

3rd. To insist; or

4th. To adhere.

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 item:

In Memory of:

Will Fulford, of Biddeford. Mr. Fulford worked in special education at Biddeford High School and coached cross-country and track at both Biddeford High School and the University of New England. He was a graduate of Kennebunk High School and the University of Southern Maine. Mr. Fulford will be sadly missed and long remembered by his wife, Ashley, his family, friends and colleagues and his students and the members of the teams he coached;

(HLS 16)

Presented by Representative BABBIDGE of Kennebunk.

Cosponsored by Senator DESCHAMBAULT of York, Representative SEAVEY of Kennebunkport, Representative FECTEAU of Biddeford, Representative GROHMAN of Biddeford.

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 Madam Speaker. Ladies and Gentlemen of the House, among the art work here in the State House, actually outside this chamber, around the rotunda on the right-hand side, is a portrait of a man by the name of Jonathan Cilley. His story has always saddened me. He was a rising star in Maine, a Bowdoin graduate, elected to represent us in D.C. in the Halls of Congress along with the likes of Henry Clay and John Calhoun and Daniel Webster. But it was 180 years ago, this year that John Cilley died. I urge each of you to look up his portrait and read the nameplate to find the needless and tragic way in which he passed. Jonathan Cilley was 35 years old. Today we have sentiment about a young man like Jonathan Cilley, a man of accomplishment and promise who died too soon. In the late 1980's and early 1990's, the Babbidge daughters went to daycare at one of our neighbor's homes. That neighbor had a young son, gave birth to a young son who would

grow up to have a great affection for track and field. As a matter of fact, during the next quarter century, barely a day went by when we wouldn't see Will Fulford pass our home on his daily workout. Following the example of his parents, Will became a teacher and a coach, touching the lives of many people. But recently, suddenly Will collapsed and died. Will Fulford was 29. A young man of accomplishment and promise who died too soon. The sudden death of a younger person is always tragic. The death of a person who has their life going in such a positive direction to serve others, a life of service, is especially tragic. Will Fulford deserves our recognition this morning. Madam Speaker, let us use Will's passing and our condolences to his wonderful family as a reminder that each day we are given is a gift. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you Madam Speaker. Ladies and Gentlemen of the House, my remarks will be brief this morning. For me Will was more than a community member, he was one of my friends. He was the husband of my dear friend, his wife Ashley. When this body recognizes Will for his coach of the year award, I will speak further to his character, his contributions to our town, his friendship, and his love for family and his wife. Thank you.

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

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

On motion of Representative FAY of Raymond, the House adjourned at 10:28 a.m., until 10:00 a.m., Wednesday, January 11, 2017, in honor and lasting tribute to Will Fulford, of Biddeford.