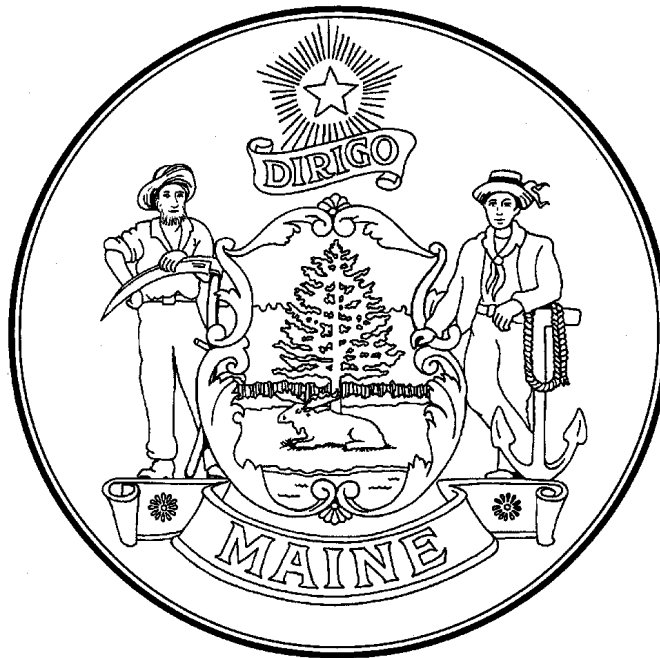


MAINE STATE LEGISLATURE

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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

pages 1 -

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
20th Legislative Day
Tuesday, March 14, 2017

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

Prayer by Pastor John Walsh, Clifton United Baptist Church.

National Anthem by Honorable Deane Rykerson, Kittery.

Pledge of Allegiance.

The Journal of Thursday, March 9, 2017 was read and approved.

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

CONSENT CALENDAR

First Day

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

(S.P. 80) (L.D. 236) Bill "An Act To Update Accessibility Requirements on Highways" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 16) (L.D. 37) Bill "An Act To Provide a Career and Technical Education Training Option for Plumbers" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-3)**

(H.P. 59) (L.D. 72) Bill "An Act To Clarify the Tax Laws for Title to Real Estate by Releasing Inheritance Tax Liens" Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 227) (L.D. 294) Resolve, To Name the Bridge over the Penobscot River in the Towns of Enfield and Howland King's Bridge (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 13) (L.D. 12) Bill "An Act To Incorporate Protections for Living Donors into Maine Law" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-6)**

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

(H.P. 169) (L.D. 213) Bill "An Act To Provide Funds for Access for Veterans Seeking Health Care" (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-10)**

On motion of Representative LUCHINI of Ellsworth, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-10)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-10)** and sent for concurrence.

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

COMMUNICATIONS

The Following Communication: (H.P. 728)

STATE OF MAINE

OFFICE OF THE

SECRETARY OF STATE

AUGUSTA, MAINE 04333-0148

March 7, 2017

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Enclosed please find my official certification to the 128th Legislature of the citizen initiative petition entitled "An Act To Enhance Access to Affordable Health Care".

Sincerely,

S/Matthew Dunlap

Secretary of State

STATE OF MAINE
SECRETARY OF STATE

I, Matthew Dunlap, Secretary of State, hereby certify that written petitions bearing valid signatures of 66,434 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 25 and 26, 2017, requesting that the Legislature consider an act entitled, "An Act To Enhance Access to Affordable Health Care".

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 61,123.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the seventh day of March in the year two thousand and seventeen.

S/Matthew Dunlap

Secretary of State

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

Sent for concurrence.

On motion of Representative HERBIG of Belfast, the accompanying Bill "An Act To Enhance Access to Affordable Health Care"

(I.B. 2) (L.D. 1039)
was **TABLED** pending **REFERENCE** and later today assigned.

The Following Communication: (H.C. 90)

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

March 9, 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 Order, S. P. 210, I am pleased to appoint the following Senators to the Task Force to Address the Opiate Crisis in the State, effective date of this letter.

Senator Andre E. Cushing III of Penobscot, Chair

Senator Scott W. Cyrway of Kennebec

Senator James F. Dill of Penobscot

Senator Geoffrey M. Gratwick of Penobscot

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Michael D. Thibodeau

President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 91)

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

March 9, 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 Order, S. P. 210, I am pleased to appoint the following individuals to the Task Force to Address the Opiate Crisis in the State, effective date of this letter.

Dr. Steven E. Diaz of Augusta

Ms. Katie Fullam Harris of Cumberland

Mr. Gordon H. Smith of East Winthrop

Sherriff Jeffrey Trafton of Thorndike

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Michael D. Thibodeau

President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 94)

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

March 13, 2017

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under Title 26, MRSA, Ch. 25, Subchapter §2006, I am pleased to appoint Representative Ryan M. Fecteau of Biddeford as a legislative member of the State Workforce Investment Board, effective immediately.

If you have any questions, please don't hesitate to contact my office.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 92)

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

TO: Honorable Michael D. Thibodeau, President of the Senate

Honorable Sara Gideon, Speaker of the House
and Democratic and Republican Leaders

FROM: S/Beth L. Ashcroft, Director

DATE: March 10, 2017

RE: New Markets Capital Investment Program

Attached please find the final report from the Office of Program Evaluation and Government Accountability on New Markets Capital Investment Program. The report is also available on our website at <http://legislature.maine.gov/opega-opega-reports/9149>. The public comment period on this Report has been scheduled for Friday, March 24, 2017 at 9:00 a.m. in Room 220 Cross Building.

If you have questions, please feel free to contact me.

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 93)

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

March 14, 2017

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bills out "Ought Not to Pass:"

Inland Fisheries and Wildlife

L.D. 279 An Act To Give Veterans Priority in the Issuance of Antlerless Deer Permits

L.D. 325 An Act To Amend the Process for Distributing Any-deer Permits

L.D. 340 An Act To Provide 100 Percent Disabled Veterans Antlerless Deer Permits in the Zone of Their Choice

L.D. 341 An Act To Promote Deer Hunting

L.D. 427 An Act To Give Certain Landowners First Priority for Antlerless Deer Permits

L.D. 555 An Act To Allow Owners of 25 Acres or More of Land That Is Open to the Public for Hunting To Take Any Deer without a Special Permit

Sincerely,
S/Robert B. Hunt
Clerk of House

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

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Protect Pollinators from Neonicotinoid Pesticides"

(H.P. 694) (L.D. 993)

Sponsored by Representative DEVIN of Newcastle.

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 Increase the Class of Crime for Viewing Animal Fighting"

(H.P. 695) (L.D. 994)

Sponsored by Representative BAILEY of Saco.

Bill "An Act To Require A Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle"

(H.P. 716) (L.D. 1014)

Sponsored by Representative HARRINGTON of Sanford.

Cosponsored by Senator MAKER of Washington and Representatives: CEBRA of Naples, COREY of Windham, HARLOW of Portland, MASTRACCIO of Sanford, PICKETT of Dixfield, STEWART of Presque Isle, TUELL of East Machias, Senator: DAVIS of Piscataquis.

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 Allow a Resident Veteran's Child Who Is Enrolled in an Out-of-state College or University To Take a Course in Maine at a State Postsecondary Education Institution for Free"

(H.P. 696) (L.D. 995)

Sponsored by Representative STANLEY of Medway.

Cosponsored by Senator GRATWICK of Penobscot and Representatives: HANINGTON of Lincoln, HARLOW of Portland, SHERMAN of Hodgdon, SKOLFIELD of Weld.

Bill "An Act To Maintain the Current Number of Appointees to the Maine Arts Commission"

(H.P. 697) (L.D. 996)

Sponsored by Representative GINZLER of Bridgton.

Cosponsored by Senator LANGLEY of Hancock and Representatives: DAUGHTRY of Brunswick, FARNSWORTH of Portland, FULLER of Lewiston, HUBBELL of Bar Harbor, KORNFIELD of Bangor, SAMPSON of Alfred, STEWART of Presque Isle, TUELL of East Machias.

Submitted by the Maine Arts Commission pursuant to Joint Rule 204.

Bill "An Act To Increase Funding to Schools by Repealing Unnecessary and Burdensome Regulations"

(H.P. 698) (L.D. 997)

Sponsored by Representative CAMPBELL of Orrington.

Cosponsored by Senator SAVIELLO of Franklin and Representative: KINNEY of Limington.

Bill "An Act To Improve the Student Transfer Process"

(H.P. 717) (L.D. 1015)

Sponsored by Representative STEARNS of Guilford.

Cosponsored by Representatives: HUBBELL of Bar Harbor, LUCHINI of Ellsworth, LYFORD of Eddington, REED of Carmel.

Bill "An Act To Provide Funding for Career and Technical Education Based on Projected Enrollment"

(H.P. 718) (L.D. 1016)

Sponsored by Representative MASTRACCIO of Sanford.

Cosponsored by Representatives: FECTEAU of Biddeford, GRANT of Gardiner, HARRINGTON of Sanford, KORNFIELD of Bangor, McCREA of Fort Fairfield, TURNER of Burlington, Senators: LANGLEY of Hancock, WOODSOME of York.

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 Regarding Permitting under the Natural Resources Protection Act"

(H.P. 729) (L.D. 1040)

Sponsored by Representative PICCHIOTTI of Fairfield.

Cosponsored by Representatives: LOCKMAN of Amherst, SHERMAN of Hodgdon, TIMBERLAKE of Turner, WINSOR of Norway.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

Bill "An Act To Adequately Pay for Emergency Medical Services"

(H.P. 699) (L.D. 998)

Sponsored by Representative SANDERSON of Chelsea.

Bill "An Act To Provide a Healthy Learning Environment in Early Care Settings by Requiring Rules Concerning Nutrition and Physical Activity"

(H.P. 700) (L.D. 999)

Sponsored by Representative TERRY of Gorham.

Cosponsored by Representative: HICKMAN of Winthrop, Senator: CHENETTE of York.

Resolve, To Increase Access to Brain Injury Waiver Services

(H.P. 701) (L.D. 1000)

Sponsored by Representative MALABY of Hancock.

Cosponsored by Senator LANGLEY of Hancock and Representatives: FARNSWORTH of Portland, HANINGTON of Lincoln, HAWKE of Boothbay Harbor, HYMANSON of York, PICKETT of Dixfield, SANDERSON of Chelsea, SIROCKI of Scarborough, VACHON of Scarborough.

Bill "An Act To Promote Testing of Drinking Water for Maine Families"

(H.P. 702) (L.D. 1001)

Sponsored by Representative BROOKS of Lewiston.

Cosponsored by Representatives: BEEBE-CENTER of Rockland, CARDONE of Bangor, DEVIN of Newcastle, HANDY of Lewiston, LAWRENCE of South Berwick,

MELARAGNO of Auburn, SPEAR of South Thomaston, ZEIGLER of Montville.

Bill "An Act To Strengthen Work Participation in the Temporary Assistance for Needy Families Program"

(H.P. 719) (L.D. 1017)

Sponsored by Representative SANDERSON of Chelsea.

Cosponsored by Senator BRAKEY of Androscoggin and Representatives: FREDETTE of Newport, HARRINGTON of Sanford, MALABY of Hancock, McELWEE of Caribou, SAMPSON of Alfred, SUTTON of Warren, Senator: CYRWAY of Kennebec.

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 Add .17 Caliber Hornady Magnum Rimfire Rifle Cartridges to the Cartridges Acceptable for Deer Hunting"

(H.P. 703) (L.D. 1002)

Sponsored by Representative LYFORD of Eddington.

Cosponsored by Representatives: BLACK of Wilton, HILLIARD of Belgrade, MASON of Lisbon, REED of Carmel, STEARNS of Guilford.

Bill "An Act To Prohibit Stocking Fish in or Using Live Fish as Bait on Tributaries to State Heritage Fish Waters"

(H.P. 720) (L.D. 1018)

Sponsored by Representative BLACK of Wilton.

Cosponsored by Representatives: ACKLEY of Monmouth, DUNPHY of Old Town, HARVELL of Farmington, TIMBERLAKE of Turner, Senator: DILL of Penobscot.

Bill "An Act To Exempt Holders of Bear Hunting Permits from Archery Hunting License Requirements"

(H.P. 721) (L.D. 1019)

Sponsored by Representative BLACK of Wilton.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: HANLEY of Pittston, HILLIARD of Belgrade, KINNEY of Knox, MASON of Lisbon, SKOLFIELD of Weld, TIMBERLAKE of Turner.

Bill "An Act To Minimize Crop Damage by Deer by Amending Certain Laws Governing Hunting"

(H.P. 722) (L.D. 1020)

Sponsored by Representative BLACK of Wilton.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: ACKLEY of Monmouth, DUNPHY of Old Town, HANLEY of Pittston, HILLIARD of Belgrade, KINNEY of Knox, MASON of Lisbon, SKOLFIELD of Weld, TIMBERLAKE of Turner.

Bill "An Act Regarding the Safe Discharge of Firearms during Deer Hunting Season"

(H.P. 730) (L.D. 1041)

Sponsored by Representative TUELL of East Machias.

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.

Resolve, To Require the State's Mitigation Plan under the Volkswagen Mitigation Trust Agreement To Include the Use of Maine-generated Nonfossil Fuel Sources

(H.P. 704) (L.D. 1003)

Sponsored by Representative RYKERSON of Kittery.

Cosponsored by Senator MIRAMANT of Knox and Representatives: BERRY of Bowdoinham, CHAPMAN of Brooksville, COOPER of Yarmouth, DeCHANT of Bath, HARLOW of Portland, SCHNECK of Bangor, SYLVESTER of Portland, Senator: GRATWICK of Penobscot.

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

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

Sent for concurrence.

Bill "An Act To Increase Fines for Certain Wage and Benefits Violations"

(H.P. 705) (L.D. 1004)

Sponsored by Representative GOLDEN of Lewiston.

Cosponsored by Senator MIRAMANT of Knox and Representatives: BERRY of Bowdoinham, COLLINGS of Portland, GRANT of Gardiner, MASTRACCIO of Sanford, MELARAGNO of Auburn, SYLVESTER of Portland, TIPPING of Orono, Senator: BELLOWS of Kennebec.

Bill "An Act Regarding Minimum Wage Increases"

(H.P. 706) (L.D. 1005)

Sponsored by Representative STEWART of Presque Isle.

Cosponsored by Senator VOLK of Cumberland and Representatives: AUSTIN of Gray, ESPLING of New Gloucester, SAMPSON of Alfred, SIROCKI of Scarborough, WADSWORTH of Hiram, WARD of Dedham, WINSOR of Norway.

Bill "An Act Regarding Housing Insecurity of Older Citizens"

(H.P. 707) (L.D. 1006)

Sponsored by Representative TALBOT ROSS of Portland.

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Lengths of Terms and Decrease the Number of Terms of Members of the Legislature

(H.P. 708) (L.D. 1007)

Sponsored by Representative SANDERSON of Chelsea.

Cosponsored by Representatives: CASÁS of Rockport, KINNEY of Knox, PICKETT of Dixfield, Senator VOLK of Cumberland and Representatives: HARRINGTON of Sanford, MALABY of Hancock, SAMPSON of Alfred, SUTTON of Warren.

Bill "An Act To Establish the Permanent Commission on the Status of Racial and Ethnic Populations"

(H.P. 709) (L.D. 1008)

Sponsored by Representative TALBOT ROSS of Portland.

Cosponsored by Representatives: MARTIN of Sinclair, MASTRACCIO of Sanford, Senator: DESCHAMBAULT of York.

Resolve, To Establish the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County (EMERGENCY)

(H.P. 723) (L.D. 1021)

Sponsored by Representative MASTRACCIO of Sanford.

Cosponsored by Senator DESCHAMBAULT of York and Representatives: BAILEY of Saco, BLUME of York, FECTEAU of Biddeford, FOLEY of Wells, HARRINGTON of Sanford,

HYMANSON of York, Senators: COLLINS of York, VOLK of Cumberland.

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 Provide a Sales Tax Exemption for Baling Twine"

(H.P. 725) (L.D. 1023)

Sponsored by Representative BLACK of Wilton.

Cosponsored by Senator DILL of Penobscot and Representatives: ACKLEY of Monmouth, DUNPHY of Old Town, HANLEY of Pittston, KINNEY of Knox, MASON of Lisbon, TIMBERLAKE of Turner.

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

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

Sent for concurrence.

Resolve, To Require the Maine Turnpike Authority To Study the Feasibility of Constructing a Gorham Connector

(H.P. 710) (L.D. 1009)

Sponsored by Representative McLEAN of Gorham.

Bill "An Act To Allow for the Regulation of Transportation Network Companies at Airports by Municipalities" (EMERGENCY)

(H.P. 711) (L.D. 1010)

Sponsored by Representative FARNSWORTH of Portland.

Cosponsored by Senator DION of Cumberland and Representatives: BATTLE of South Portland, CARDONE of Bangor, COLLINGS of Portland, KORNFELD of Bangor, SANBORN of Portland, SCHNECK of Bangor, SYLVESTER of Portland, Senator: CHIPMAN of Cumberland.

Bill "An Act To Require Pedestrians To Wear Reflective Clothing on Public Ways after Sunset"

(H.P. 712) (L.D. 1011)

Sponsored by Representative STANLEY of Medway. (BY REQUEST)

Bill "An Act Regarding the Contents of a Commercial Vehicle Towed without the Consent of the Vehicle's Owner"

(H.P. 724) (L.D. 1022)

Sponsored by Representative PARRY of Arundel.

Cosponsored by Senator COLLINS of York and Representatives: BRYANT of Windham, GILLWAY of Searsport, McLEAN of Gorham.

Resolve, To Direct the Secretary of State To Initiate the Process To Redesign Special Veterans Registration Plates

(H.P. 726) (L.D. 1024)

Sponsored by Representative FREDETTE of Newport.

Cosponsored by Representatives: ESPLING of New Gloucester, FARRIN of Norridgewock, GOLDEN of Lewiston, HANINGTON of Lincoln.

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

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

Sent for concurrence.

Bill "An Act To Amend the Law Regarding Road Associations"

(H.P. 731) (L.D. 1042)

Sponsored by Representative ESPLING of New Gloucester. (BY REQUEST)

Committee on **TRANSPORTATION** suggested.

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

Bill "An Act To Improve the Availability of Agency Liquor Stores in Underserved Areas and To Expand the Sale of Spirits in New Channels"

(H.P. 713) (L.D. 1012)

Sponsored by Representative LUCHINI of Ellsworth.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act To Clarify the Law Allowing Certificate of Approval Holders and Manufacturers or Suppliers of Spirits To Offer Mail-in Rebates"

(H.P. 714) (L.D. 1013)

Sponsored by Representative KINNEY of Limington.

Cosponsored by Representatives: CAMPBELL of Orrington, FARRIN of Norridgewock, HANINGTON of Lincoln, ORDWAY of Standish, PICKETT of Dixfield, TURNER of Burlington.

Bill "An Act To Require an Opinion of the Supreme Judicial Court on Direct Initiatives of Legislation"

(H.P. 727) (L.D. 1035)

Sponsored by Representative TURNER of Burlington.

Cosponsored by Senator BRAKEY of Androscoggin and Representatives: CHACE of Durham, GILLWAY of Searsport, LOCKMAN of Amherst, PICCHIOTTI of Fairfield, TIMBERLAKE of Turner, TUELL of East Machias, WALLACE of Dexter, WHITE of Washburn.

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 MOONEN of Portland, the following Joint Resolution: (H.P. 715) (Cosponsored by Senator KEIM of Oxford and Representatives: BABIDGE of Kennebunk, BAILEY of Saco, BRADSTREET of Vassalboro, CARDONE of Bangor, GUERIN of Glenburn, JOHANSEN of Monticello, McCREIGHT of Harpswell, RECKITT of South Portland, SHERMAN of Hodgdon, Senators: HILL of York, WHITEMORE of Somerset)

JOINT RESOLUTION RECOGNIZING SUNSHINE WEEK, MARCH 12-18, 2017

WHEREAS, James Madison, generally regarded as the father of our federal Constitution, wrote that "a people who mean to be their own Governors, must arm themselves with the power which knowledge gives"; and

WHEREAS, every citizen in our participatory democracy has an inherent right of access to government meetings and public records; and

WHEREAS, an open and accessible government is vital to establishing and maintaining the people's trust and confidence in their government and in the government's ability to effectively serve its citizens; and

WHEREAS, we celebrate open government and recognize its importance in developing how people who believe in democracy think about transparency and its role in government, leading to the adoption of our own Freedom of Access Act; and

WHEREAS, the protection of every person's right of access to public records and government meetings is a high priority for the State of Maine; and

WHEREAS, Sunshine Week was established to spark a discussion about the importance of open government and public access to government documents and meetings; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize Sunshine Week during the week of March 12-18, 2017 and confirm the basic principles of an open and accessible government in a free society and urge all citizens to join in this observance.

READ.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: During Sunshine Week, I ask you to think about your personal role in government and transparency. We must all be vigilant in holding ourselves and our committees accountable. As a leader on the Judiciary Committee, that is the committee of oversight for freedom of access, I take this responsibility very seriously. I read in the *Bangor Daily News* that the Joint Committee on Marijuana Legalization Implementation had gone on an informal, informational tour of several marijuana facilities and that the media, and thus the public, were not allowed to go along. I intend to ask Attorney General Mills to look into this and I'd ask you when you see problems with freedom of access to do the same thing, to speak out and be a voice for transparency and sunshine for the citizens of Maine.

The SPEAKER: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, just want everyone to know I really like this House Order. I especially like the part where it says we have an inherent right of access to government meetings and public records. And I really like the part where it says, we're celebrating the adoption of the state's Freedom of Access Act. I really like that, Madam Speaker, how about you? Thanks.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. In the spirit of this Joint Resolution, Sunshine Week, which is most appropriate, one that reminds us of how to keep ourselves safe from, well, things that governments may do wrong because they conceal or aren't as transparent as we expect them to be, as we need them to be. I remind the body that I will soon be proposing to you a bill that will revisit an amendment to the Maine Constitution that will do and ask you to vote exactly that, in making public hidden portions of Maine's Constitution as regards to Maine's Treaty obligations. Article X, Section 5, subsection 5 is currently not published. It's illegal to publish it.

It deals with Maine's founding document in separating from the State of Massachusetts Bay at the time. And so with this Resolution in mind, I do rise and I speak to more transparency in this state. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Avery Goulding, of Auburn, a sophomore at Edward Little High School, who bowled a sanctioned 300 game. At 15 years old, Avery is the youngest female bowler in the history of the State to bowl a perfect game. We extend to Avery our congratulations and best wishes;

(HLS 128)

Presented by Representative BICKFORD of Auburn.

Cosponsored by Senator BRAKEY of Androscoggin, Representative MELARAGNO of Auburn, Representative SHEATS of Auburn.

On **OBJECTION** of Representative ESPLING of New Gloucester, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

In Memory of:

Camilla Ashe Sewall, of Bath, a direct descendent of shipbuilder, railroad industrialist and vice presidential candidate Arthur Sewall. Ms. Sewall worked as a social worker in the United States and in Europe, where she spent much of her adult life. She later restored the family home in Bath and was well known in the community. Ms. Sewall will be long remembered and sadly missed by her family and friends;

(HLS 122)

Presented by Representative PIERCE of Dresden.

Cosponsored by Senator VITELLI of Sagadahoc, Representative DeCHANT of Bath.

On **OBJECTION** of Representative PIERCE of Dresden, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative **PIERCE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, Camilla Sewall was my friend. Camilla was a world traveler. She spent a lot of time in England, where she lived most of her adult life. She traveled to many countries, like the Philippines, Cambodia, and other countries in Africa, where she helped people who were less fortunate than her. She returned to her family home in Bath in the late '80s, where I first met her, and we became good friends. I really appreciated and looked forward to our lively conversations as we talked about many different issues that truly cemented our friendship. I was always amazed by her, though. She was somebody who knew ambassadors, prime ministers, princes, and potentates, and other people in high powers, but she never let it affect her in the least of how she treated everybody the same. She was one of a kind. Camilla was the most genuine person I have ever met. She always was asking, "How's your wife? How's your kids doing?" She was really involved with people's family and how they were

doing. For those who knew Camilla, she was always looking for the next adventure. We went on many road trips to explore architectural salvage yards. She particularly cared for the people who ran the salvage yards and we would visit with interest to know their stories. She didn't really care about the salvage, she was more interested in the people around Maine. These are just a few of my fond memories of Camilla. She taught me many life lessons that I will never forget. And most of all, I will never forget her being such a good friend, and I feel I'm a better person for the time I spent with her. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I'd like to rise and actually echo the sentiments of my good friend from Dresden. Ms. Sewall is certainly a pivotal, and was a pivotal, member of our community. When I first moved to town, everyone said you need to go and visit her, and I did, and she opened her house and was very supportive of many of the endeavors that I took upon. And she was very supportive, opening her house to us and the Sagadahoc County Dems, and was very influential in that manner. And honestly, every day, Madam Speaker, I drive by her house and I think about her.

Subsequently, this Expression of Legislative Sentiment was **ADOPTED** and 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. 32) (L.D. 83) Bill "An Act Regarding Changing the Designation of a Parent on the Birth Certificate of an Adult"

(H.P. 243) (L.D. 329) Bill "An Act Concerning the Law Governing the Posting of Newspaper Legal Notices and the Statewide Repository for Legal Notices"

(H.P. 25) (L.D. 24) Bill "An Act To Change the Name of Township 17, Range 4, WELS, in the Unorganized Territory to Sinclair" (C. "A" H-5)

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

BILLS IN THE SECOND READING

House

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

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

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

ENACTORS

Acts

An Act To Change the Time and Location of the Annual Meeting of the Board of Trustees of the Kittery Water District

(H.P. 72) (L.D. 104)

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**.

Emergency Measure

An Act To Provide Funds for Access for Veterans Seeking Health Care

(H.P. 169) (L.D. 213)

(C. "A" H-10)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative **GOLDEN** of Lewiston **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 15

YEA - Ackley, Alley, Austin B, Austin S, Bates, Beebe-Center, Berry, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Cebra, Collings, Cooper, Corey, Craig, DeChant, Denno, Devin, Duchesne, Dunphy, Espling, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grignon, Guerin, Handy, Hanington, Harlow, Harrington, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hubbell, Hymanson, Johansen, Kinney J, Kinney M, Kornfield, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mason, Mastraccio, McCreight, McElwee, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, Ordway, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pouliot, Reckitt, Riley, Rykerson, Sampson, Sanborn, Schneck, Sheats, Skolfield, Spear, Stanley, Stearns, Stewart, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Hanley, Lockman, Malaby, Sanderson, Sirocki, Stetkis, Strom, Sutton.

ABSENT - Babbidge, Bailey, Battle, Bickford, Casas, Chace, Chapman, Daughtry, Dillingham, Farnsworth, Grant, Grohman, Haggan, Hamann, Harvell, Herrick, Hogan, Jorgensen, Kumiega, Lawrence, McCreia, McLean, O'Neil, Parker, Pierce T, Prescott, Reed, Seavey, Sherman, Simmons, Sylvester, Talbot Ross.

Yes, 110; No, 8; Absent, 32; Excused, 1.

110 having voted in the affirmative and 8 voted in the negative, with 32 being absent and 1 excused, the Bill was **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:

SENATE PAPERS

Bill "An Act To Protect Abused or Neglected Animals"
(S.P. 321) (L.D. 982)

Bill "An Act To Improve Soil Quality and Profits for Maine Farms"
(S.P. 335) (L.D. 1028)

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Abolish the 5-year Cap for Retired State Employees Who Return to Work"
(S.P. 336) (L.D. 1029)

Bill "An Act To Amend the Laws Governing Eligibility for Disability Retirement Benefits"
(S.P. 346) (L.D. 1044)

Bill "An Act To Create More Transparency in the Setting of Normal Teacher Retirement Costs"
(S.P. 347) (L.D. 1045)

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Increase Efficiency in the Enforcement of Restitution and Bail Orders"
(S.P. 322) (L.D. 983)

Bill "An Act To Improve School Safety"
(S.P. 325) (L.D. 986)

Bill "An Act To Protect Law Enforcement Officers by Creating the Crime of Aggravated Assault on an Officer"
(S.P. 329) (L.D. 990)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

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

Resolve, To Direct the Department of Education To Form a Study Group To Improve Public Education
(S.P. 326) (L.D. 987)

Bill "An Act Regarding Possession of a Firearm on School Property"
(S.P. 327) (L.D. 988)

Bill "An Act To Assist Student Achievement"
(S.P. 333) (L.D. 1026)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Establish Reasonable and Clinically Appropriate Exceptions to Opioid Medication Prescribing Limits" (EMERGENCY)

(S.P. 338) (L.D. 1031)

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Allow Junior Hunters To Take an Antlered or Antlerless Deer in Any Wildlife Management District on Youth Deer Hunting Day"
(S.P. 344) (L.D. 1038)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act To Require Nondiscrimination Policies in Providing Health Care Services"
(S.P. 337) (L.D. 1030)

Bill "An Act To Ensure Protection and Health Insurance of Patients"
(S.P. 339) (L.D. 1032)

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.

Bill "An Act To Separate the Authorities under the Licenses for Property and Casualty Insurance Adjusters and Workers' Compensation Insurance Adjusters"
(S.P. 323) (L.D. 984)

On motion of Representative HERBIG of Belfast, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

Bill "An Act To Promote Impartiality in the Probate Court"
(S.P. 345) (L.D. 1043)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

Bill "An Act To Promote Medical Care for Visiting Athletic Teams"
(S.P. 324) (L.D. 985)

Bill "An Act To Establish a Minimum Wage for Minors"
(S.P. 330) (L.D. 991)

Resolve, To Study Repeal of Occupational Licensing Requirements for Certain Occupations
(S.P. 342) (L.D. 1036)

Bill "An Act To Provide for the 2017 and 2018 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)
(S.P. 343) (L.D. 1037)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Authorize Moving the Town Line between Baileyville and Baring Plantation"

(S.P. 331) (L.D. 992)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act Regarding the Taxation of Certain Nonprofit Organizations"

(S.P. 334) (L.D. 1027)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

Bill "An Act Regarding Towed Vehicle Charges and Notice to the Secretary of State of Towed and Abandoned Vehicles"

(S.P. 328) (L.D. 989)

Bill "An Act To Allow Stepparents To Sign the Application for a Driver's License for a Minor"

(S.P. 332) (L.D. 1025)

Bill "An Act Making Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2017" (EMERGENCY)

(S.P. 341) (L.D. 1034)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in concurrence.

Bill "An Act To Eliminate the 24-hour Reporting Requirement under the Election Laws"

(S.P. 340) (L.D. 1033)

Bill "An Act To Require Maine Clean Election Act Candidates To Purchase Services from Maine-based Companies"

(S.P. 348) (L.D. 1046)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

The SPEAKER: The Chair recognizes the Representative from York, Representative Hymanson, who wishes to address the House on the record.

Representative **HYMANSON**: Thank you, Madam Speaker. Happy 197th Birthday tomorrow to our State of Maine, on March 15th, as it broke away from the Commonwealth of Massachusetts. The Massachusetts General Court had convened a year before, in 1819. In unprecedented numbers, petitions from towns in Maine poured in. The final count was 130, with 125 of them in support of separation. The following is the petition submitted by the Town of York in May of 1819. I want to thank Mary-Anne Szeniawski, the longtime York Town Clerk and James Kences, the York Historian, for gathering these documents from the Town of York archives. "To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts

and General Court assembled on the fourth Wednesday of May, 1819. The inhabitants of the Town of York respectfully represent that they view the separation of Maine from Massachusetts proper as one of the events which, in the course of things, will ere long take place. Massachusetts is an anomaly in the Union—a state whose territory is disjoined and disconnected by the intervening territory of another state. In a state constituted of territory thus situated, the interests of the different sections will often become different, and in some cases, actually at variance with each other. Such we believe has often been the case with Massachusetts and Maine. But Maine is now so far advanced in wealth and population that she is well able to support a separate government for herself. The present quiet state of the public mind on such subjects of a party nature is particularly favorable to the formation and establishment of a constitution and government founded on those principles, which have been sanctioned by the wisdom and experience of our most enlightened statesmen." On and on and on. "The said inhabitants, therefore, respectfully pray that the Legislature should take the subject in their consideration, and give their assent to the separation, of such terms and conditions, as shall be honorable to Massachusetts, and just and equitable to Maine." On March 4, 1820, the Maine Constitution was ratified by Congress with statehood gained on 3/15/1820. Happy 197th Birthday to the State of Maine. Thank you, Madam Speaker.

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

On motion of Representative PIERCE of Dresden, the House adjourned at 11:45 a.m., until 10:00 a.m., Thursday, March 16, 2017, in honor and lasting tribute to Camilla Ashe Sewall, of Bath.