

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**Second Regular Session**

beginning January 3, 2018

beginning at page H-1216

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE  
SECOND REGULAR SESSION  
4th Legislative Day  
Tuesday, January 16, 2018

Representative GUERIN of Glenburn assumed the Chair.  
The House met according to adjournment and was called to order by the Speaker Pro Tem.  
Prayer by Pastor Greg Sidders, White Pine Community Church, North Yarmouth.  
National Anthem by Honorable Craig V. Hickman, Winthrop.  
Pledge of Allegiance.  
The Journal of Thursday, January 11, 2018 was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 383)

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

January 16, 2018  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Clerk Hunt:  
Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Stacey K. Guerin of Glenburn to serve as Speaker Pro Tem to convene the House on January 16, 2018.  
Sincerely,  
S/Sara Gideon  
Speaker of the House  
**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 382)

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

January 16, 2018  
Honorable Sara Gideon  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Gideon:  
Pursuant to Joint Rule 310, the Committee on Education and Cultural Affairs has approved the request by the sponsor, Senator Langley of Hancock, to report the following "Leave to Withdraw":  
L.D. 1733 An Act Concerning Locations for Career and Technical Education Regions and Centers  
Sincerely,  
S/Robert B. Hunt  
Clerk of the House  
**READ and with accompanying papers ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 741)

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

January 11, 2018  
Honorable Sara Gideon  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Gideon:  
In accordance with 3 MRSA §158 and Joint Rule 506 of the 128th Maine Legislature, please be advised that the Senate today confirmed the following nomination:  
Upon the recommendation of the Committee on Energy, Utilities and Technology, Albert E. Hodsdon III of Fairfield for reappointment to the Efficiency Maine Trust Board.  
Best Regards,  
S/Heather J.R. Priest  
Secretary of the Senate  
**READ and ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Amend the Greater Augusta Utility District Charter" (H.P. 1230) (L.D. 1785)  
Sponsored by Representative WARREN of Hallowell.  
Cosponsored by Senator KATZ of Kennebec and Representative: POULIOT of Augusta, Senator: BELLOWES of Kennebec.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.  
Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.  
**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.  
Sent for concurrence.

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Bill "An Act To Update the Laws Governing the Department of Environmental Protection's Rule-making Authority Concerning Underground Oil Storage Facilities To Align with Federal Regulations" (H.P. 1229) (L.D. 1784)  
Sponsored by Representative KINNEY of Limington.  
Submitted by the Department of Environmental Protection pursuant to Joint Rule 203.  
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.

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Bill "An Act To Enhance Safety for Victims of Sexual Assault and Stalking and To Amend the Laws Governing Harassment and Protection from Abuse" (H.P. 1235) (L.D. 1788)  
Sponsored by Speaker GIDEON of Freeport.  
Cosponsored by Senator ROSEN of Hancock and Representatives: COREY of Windham, WARREN of Hallowell, Senator: DIAMOND of Cumberland.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Sent for concurrence.

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Bill "An Act Regarding Maine's Liquor Laws"

(H.P. 1231) (L.D. 1786)

Sponsored by Representative LUCHINI of Ellsworth.

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

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.

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

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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The SPEAKER: The Chair wishes to thank the Representative from Glenburn, Representative Guerin, for serving as Speaker Pro Tem.

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

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The following items were taken up out of order by unanimous consent:

**ORDERS**

On motion of Representative WADSWORTH of Hiram, the following Joint Resolution: (H.P. 1232) (Cosponsored by Representative: STANLEY of Medway)

**JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONSTITUTIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO IMPOSE CONGRESSIONAL TERM LIMITS**

WHEREAS, under the United States Constitution, Article V, the Congress of the United States, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the United States Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments that, in either case, shall be valid to all intents and purposes, as part of the United States Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; now, therefore, be it

RESOLVED: That the Legislature of Maine hereby applies to the Congress of the United States, under the provisions of Article V of the United States Constitution, to call a convention of the states limited to proposing an amendment to the United States Constitution to set a limit on the number of terms that a person may be elected to the United States House of

Representatives and to set a limit on the number of terms that a person may be elected to the United States Senate; and be it further

RESOLVED: That this application is intended to address the same subject matter as applications from other states under the provisions of Article V of the United States Constitution to call a convention to set a limit on the number of terms that a person may be elected to the United States House of Representatives and the United States Senate; and this application must be aggregated with same for the purpose of attaining the two-thirds of states necessary to require Congress to call a limited convention on this subject, but may not be aggregated with any other applications on any other subject; and be it further

RESOLVED: That this application constitutes a continuing application in accordance with Article V of the United States Constitution until the legislatures of at least two-thirds of the several states have made applications on the same subject; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Secretary of the Senate and presiding officers of both houses of the legislatures of each of the several states in the nation, the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate and each member of the Maine Congressional Delegation.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Madam Speaker, Ladies and Gentlemen of the House, I rise to introduce H.P. 1232, which seeks to have the states propose a term limits amendment for Congress.

For decades, the American people have been demanding a restore of our dysfunctional Federal Government by imposing term limits on the members of Congress. In the 1990s, 23 states passed laws establishing congressional term limits, but those laws were struck down by the Supreme Court in 1995. The court stated in the *U.S. Term Limits v. Thornton*: "State imposition of term limits for the congressional service would affect such a fundamental change in our constitutional framework that it must come through a constitutional amendment properly passed under the procedures set forth in Article V." Maine was among those states seeking term limits for Congress when they overwhelmingly passed an initiative on the ballot in 1996. One of the provisions of the initiative, which was not enacted, sought to have the Maine Legislature submit an Article V application for convention to propose a term limits amendment.

I'd like to share with you a quote from LD 1827 in the 117th Legislature. "The career politicians dominating Congress have a conflict of interest that prevents Congress from being what the founders intended, the branch of government closest to the people. The politicians have refused to heed the will of the people for term limits. They have voted to dramatically raise their own pay, they have provided lavish million-dollar pensions for themselves, and they have granted themselves numerous other privileges at the expense of the people. Most importantly, members of Congress have enriched themselves while running up huge deficits to support their spending. They have put the government nearly five trillion in debt" -- this was in 1996 -- "gravely threatening the future of our own children and grandchildren."

The corruption and appearance of corruption brought about by political careerism is destructive to the proper functioning of the first branch of our representative government. Congress has grown increasingly distant from the people of the states. The people have the sovereign right and the compelling interest in creating a citizen congress that will more effectively protect our freedom and prosperity. This interest, in right, may not effectively be served in any way other than the proposed by this initiative. The foresight of our founders provided the people with a path around congressional self-interest under Article V of the convention -- Constitution. Pursuant to Article V, the people may seek a convention to propose amendments to the Constitution when two-thirds of the states, that's 34, apply for such a convention. Amendments proposed by convention would become part of the Constitution under a ratification of three-fourths of the states, 38.

Has our situation improved since the words were penned back in 1996? Of course not. That \$5 trillion debt that I spoke of has grown to over \$20 trillion. The support for term limit amendments for Congress has not abated -- has not been abated by the people of Maine. Last June, a survey was conducted among 400 likely general election voters. The demographics included 31% Republicans, 33% Democrats, and the remainder not affiliated with any party. Sixty-nine percent of the respondents approved of a constitutional amendment to place term limits on Congress. Sixty-seven percent wanted their state legislator to pass an Article V application for a convention. Sixty-six percent of the respondents were more likely to vote for a candidate who supports term limits for Congress.

Congress will never pass an amendment to limit their terms of office. Only we, the state legislators, can fulfill the desire of our constituents by exercising our authority under Article V. Term limits on Congress will provide more choice at the ballot box, allow more experienced leaders from various backgrounds to participate in government, restore Congress to be a citizen legislature instead of permanent ruling elite, break the power desire for wealth and power, reduce a corrupting influence of lobbyists and special interests have over their members, and deliver fresh ideas to Washington to actually solve many of our problems. We all know that virtually -- it's impossible to vote out these career politicians out of office and it is time that we put an end to the career politicians. Only a term limits amendment can accomplish this. Thank you, Madam Speaker.

Subsequently, on motion of Representative HERBIG of Belfast, the Joint Resolution was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent for concurrence.

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On motion of Representative STETKIS of Canaan, the following Joint Order: (H.P. 1233)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding Joint Rule 205-A to read:

**Rule 205-A. Limits on number of bills submitted.**

**A member of the Senate may submit no more than 10 bills and resolves and a member of the House of Representatives may submit no more than 5 bills and resolves for a first regular session. These limits do not apply to a bill or resolve requested by the Governor or a state department, agency or commission; a bill or resolve introduced by the chair of a joint standing committee or joint select committee at the request of that committee; or a bill or resolve the sole purpose of which is to repeal law.**

**READ.**

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

Representative **STETKIS**: Thank you, Madam Speaker. Men and Women of the House, in the three years I've served the Maine people in this body, it's been an honor to work with so many hardworking, dedicated individuals trying to do what they feel is best for our state and their constituents. But we're currently working under a system that has been in place long before many of us were elected, and a system that I believe deters us from doing as good of a job as we are capable of for our constituents.

Three years ago, it didn't take long for me to realize that how work is done here vastly differs from that at home. In fact, it's so different that the running joke about drinking from a firehose feels like an understatement these days. I don't believe that this system that we work under has to be such that in the 127th and 128th Legislature we couldn't get our work done by statutory adjournment, and as a result had to extend our time here in Augusta, spending valuable time and resources unnecessarily.

It's frustrating for all of us to have guests from our community sit in the gallery waiting to be recognized or watch - - to watch how their government does business as we run late. Then, later, when asked, with a shrug and a grin, we just tell them "That's legislative time." It's a shame that many very good, very important pieces of legislation brought forward do not always get the proper amount of attention that they may deserve, since they are buried in hundreds of other bills that have been introduced year after year, many having little to no support to begin with, and some not even the support of their own sponsors. Most of all, it's embarrassing to look out into a committee room and watch people who have come to testify on a bill that is important enough for them to take time away from work or their families and many times sit for hours through other hearings to finally have their chance to have their voice heard, and they're only given three minutes because there are too many other bills on the agenda.

Our system needs reform. We don't have to keep working the way that we do. Article IV of the Maine Constitution provides us the authority as a Legislature to write and amend our own rules in how we conduct business. I'm proposing an idea that is not an original idea, but a time-proven method similarly used by nearly two dozen other legislative bodies across the country to help prioritize a Legislature's limited time and resources. With this change, we will take a small step in reforming our system by prioritizing the work we propose, by self-imposing a cap on ourselves on the number of bills we each introduce in the first session.

This proposed rule changes nothing when it comes to committee bills, department bills, or Governor's bills. If we can agree to this change, collectively the Legislature can still propose up to 1,105 bills in the first session; still more than enough, I think, to keep us from getting bored. This small change certainly is not the magic bullet to reform all of what we do, but it is a start that can begin to relieve a bit of the strain on time and resources that could be better used in much higher priorities and allow a little breathing room for better communication and coordination between us legislators. The change will also free up a bit more time for the Revisor's Office, other staff and committees for drafting and vetting of bills, and hopefully help prevent some of those missing commas that we've had to deal with in the past. Having the time to read and understand more bills as well as having completed fiscal

analysis before we are asked to vote on a bill can also be a byproduct of us effectively prioritizing our work.

If history is any indication of what the 129th Legislature will look like, the vast majority of us will be right back in this room in 11 months from now. Having these rules in place now gives ample notice to those elected in 2018 that prioritizing bills to be submitted may be the way to go prior to them being sworn in and voting on the rules for the 129th Legislature. Thank you, Madam Speaker, Ladies and Gentlemen of the House. Please join me in making this first step in reforming how we do the people's work.

Subsequently, on motion of Representative HERBIG of Belfast, the Joint Order was **REFERRED** to the **Joint Select Committee on JOINT RULES**.

Sent for concurrence.

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### SENATE PAPERS

Bill "An Act Authorizing Changes to the Ownership and Leases of Certain Public Lands"

(S.P. 668) (L.D. 1789)

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.

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Bill "An Act To Provide for the 2018 and 2019 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

(S.P. 666) (L.D. 1787)

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

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.

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Bill "An Act To Increase Safety on a Youth Hunting Day for Hunting Bear by Allowing an Accompanying Adult To Possess a Firearm"

(S.P. 669) (L.D. 1790)

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.

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

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### ORDERS

On motion of Representative TALBOT ROSS of Portland, the following Joint Resolution: (H.P. 1234) (Cosponsored by Senator KATZ of Kennebec and Representatives: COREY of Windham, ESPLING of New Gloucester, FREY of Bangor, GROHMAN of Biddeford, HARLOW of Portland, HERBIG of Belfast, Senators: BREEN of Cumberland, VOLK of Cumberland)

### JOINT RESOLUTION COMMEMORATING MARTIN LUTHER KING, JR. DAY IN THE YEAR OF THE 50TH ANNIVERSARY OF HIS DEATH

WHEREAS, January 15, 2018 marks the national and state holiday in honor of Martin Luther King, Jr., commemorating his birth on January 15, 1929; and

WHEREAS, Martin Luther King, Jr., advocated the furtherance of civil and human rights for Americans through nonviolent acts of civil disobedience; and

WHEREAS, this man of powerful voice and spirit showed this country a dream of "an oasis of freedom and justice"; and

WHEREAS, for his tireless work to ensure equality and justice, Dr. King was awarded the Nobel Peace Prize, a high and honorable distinction, in 1964; and

WHEREAS, his eloquence, his perseverance and his faith moved mountains and brought about sweeping changes by appealing to the better instincts and consciences of his fellow human beings; and

WHEREAS, this year marks the 50th anniversary of the Memphis sanitation workers strike, which lasted from February 11, 1968 to April 16, 1968 and which Dr. King declared to be a major part of the Poor People's Campaign, an effort to gain economic justice for poor Americans of diverse backgrounds; and

WHEREAS, during the strike, Dr. King delivered to the strikers his last speech, "I've Been to the Mountaintop," calling for unity, economic actions, boycotts and nonviolent protest while challenging the United States to live up to its ideals; and

WHEREAS, the life of Martin Luther King, Jr., which ended so tragically on April 4, 1968, is a shining example to Americans and citizens of the world at large of uncompromising dedication to democratic values; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to acknowledge the extraordinary life and works of this teacher, reformer and humanitarian, Dr. Martin Luther King, Jr., and pause in our deliberations to recognize and commemorate the occasion of his birth.

### READ.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Talbot Ross.

Representative **TALBOT ROSS**: Thank you, Madam Speaker. I just wanted to thank the members of the House for taking a moment, particularly now, to pause and recognize the 50th anniversary of the death of Dr. King, and all that he gave to this country as a great American. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I rise to pay tribute to a man for whom history has already decided is among the greatest of men, in a special way.

The year is 1993, 30 years after the March on Washington for jobs and freedom where Dr. King delivered his "I Have a Dream" speech. I am just outside Boston, Massachusetts, on a warm and humid summer evening, preparing for the coming national poetry slam competition. My recollection of that experience poured out of me immediately thereafter as this poem.

*Serenely sauntering into the Worcester Art Museum to expose a predominantly white, suburban audience to the intricacies of inner-city poetry, toting a big black bag, inconspicuously clad in*

*everyday attire, I, nonetheless, was singled out by the security officer, rapidly approaching from behind the safety of his desk, as if to interrupt some impending disaster on his desperate journey toward me.*

*"Hey you! What's the bag for?"*

*The air around me sputtered in search of retort, while my tongue lay hostage against a confused palette.*

*As the approaching crowd began to smell the progression of fear, to caution, to his Robin-Hood rush to save a museum in distress, a thick, curious tension rushed in on a whirlwind, besieging the small crowd, now marveling at what might become an adventure Worcester hadn't seen in decades.*

*"I said, what's the bag for and what you got in it?"*

*Now, empowered by the women around me, I could stay silent no longer. "It's my purse. Just like hers, hers, and hers. And what's in it is none of your business!"*

*"Well, that's an awfully big purse!"*

*"And I'm an awfully big girl, now back off!"*

*Just what could his mind have conjured?*

*Perchance he thought I was going to swipe some art museum treasure, more priceless than a Van Gogh original, fold it up in, say, sixteen sections, secure it neatly in my bag, from which I'd just retrieved by compact Uzi, threatening to take out any man who dared stop me (subsequently raping his wife and children), and rush out past the front desk into a welcoming black night.*

*Or perchance he thought my bag was loaded with several pounds of coke, a hundred vials of crack, and all kinda dope I was eager to deal to a museum crowd desperate for a fix.*

*Or perchance he thought I was just some loose-cannon vandal, up to no good, armed with several cans of metallic mauve spray paint, or more likely, a big old watermelon, which I'd smash on the floor, scooping out large chunks to smear across the designs displayed on the walls of his big white castle on the hill, leaving behind my own art, my mark, a trail of little black seeds following me out the back door.*

*As I moved past this suspecting man, the strap of the bag biting into my shoulder, its contents pulling me down a bit closer to the earth I walk on, I realized the bag I carry around daily is weighted with memories, wishes, dreams and stories yet untold; is weighted with city streets, country roads, highways and rivers to places yet unseen; is weighted with groans, laughter, cries and screams yet unheard.*

*And deep down, somewhere near the bottom of that big black bag, my purse, there's a neighborhood, a small town, a city, a country, a world, where no person carries the fear to dare ask what's inside it.*

Thank you, Madam Speaker.

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

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Doctor of the day, Richard Fein, D.O., Manchester.

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

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On motion of Representative WARD of Dedham, the House adjourned at 11:05 a.m., until 10:00 a.m., Thursday, January 18, 2018, in honor and lasting tribute to Eunice E. Quirion DeCesere, of Verona Island and Brewer; Yun Kohui Hutchins, of Penobscot; Beverly Russell, of Stockton Springs; Josephine "Jodie" Grindle, of Penobscot; Earl B. Gilley III, of Dedham; G. Dean Hoke, of Orland; and Louise May Ginn Bragg, of Stockton Springs.