

MAINE STATE LEGISLATURE

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



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

Legislative Record
House of Representatives
One Hundred and Twenty-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
5th Legislative Day
Thursday, January 18, 2018

Representative CHAPMAN of Brooksville assumed the Chair.

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

Prayer by Rabbi Erica Asch, Temple Beth El-Augusta.

National Anthem by Alexis Handy, Lewiston.

Pledge of Allegiance.

Doctor of the day, Rob Hubbs, M.D., Cape Elizabeth.

The Journal of Tuesday, January 16, 2018 was read and approved.

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

COMMUNICATIONS

The Following Communication: (H.C. 384)

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

January 18, 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 Ralph Chapman of Brooksville to serve as Speaker Pro Tem to convene the House on January 18, 2018.

Further, pursuant to my authority under House Rule 201.1 (H), I appoint Representative James S. Gillway of Searsport to serve as Speaker Pro Tem to convene the House on January 23, 2018.

Sincerely,
S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 385)

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

January 18, 2018
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 Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Appropriations and Financial Affairs

L.D. 953 An Act To Authorize a General Fund Bond Issue To Support the Biomass Industry (BOND ISSUE)

Energy, Utilities and Technology

L.D. 1515 An Act To Reduce Electric Rates for Maine Businesses by Amending the Laws Governing Spending from the Regional Greenhouse Gas Initiative Trust Fund

L.D. 1632 An Act To Establish the Manufacturing Jobs Energy Program

Judiciary

L.D. 821 An Act To Enact the Revised Uniform Unclaimed Property Act

L.D. 1355 An Act To Ensure the Timely and Proper Completion of Residential Foreclosures

L.D. 1658 An Act To Make Criminal History Record Information Maintained in a Database Confidential

Sincerely,
S/Robert B. Hunt
Clerk of House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 386)

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

January 18, 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 Agriculture, Conservation and Forestry has approved the request by Rep. Dunphy of Old Town for the Department of Agriculture, Conservation and Forestry, to report the following bill Leave to Withdraw:

L.D. 1662 Resolve, Regarding Legislative Review of Portions of Chapter 307: Fees for Testing Weighing and Measuring Devices, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

Sincerely,
S/Robert B. Hunt
Clerk of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 747)

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

January 16, 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 nominations:

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development:

- Coleman R. Palmer of Phippsburg for reappointment to the Maine Rural Development Authority, Board of Trustees
- Michael A. Duguay of Waterville for appointment to the Maine Rural Development Authority, Board of Trustees.

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Improve Market Stability for Maine Residents Purchasing Individual Health Insurance Coverage"

(H.P. 1237) (L.D. 1792)

Sponsored by Representative LAWRENCE of Eliot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 53)

ORDERED, that Representative Kathleen R. J. Dillingham of Oxford be excused January 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donna R. Doore of Augusta be excused January 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard R. Farnsworth of Portland be excused January 11 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Bradlee Thomas Farrin of Norridgewock be excused January 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Aaron M. Frey of Bangor be excused January 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gay M. Grant of Gardiner be excused January 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Denise Patricia Harlow of Portland be excused January 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Victoria P. Kornfield of Bangor be excused November 6, 2017 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Richard S. Malaby of Hancock be excused January 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard A. Pickett of Dixfield be excused January 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Heidi H. Sampson of Alfred be excused July 1, 2017 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Timothy S. Theriault of China be excused January 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Karen R. Vachon of Scarborough be excused January 9 and 11 for health reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Refer to the Committee on Marine Resources Pursuant to Statute

Representative KUMIEGA for the **Joint Standing Committee on Marine Resources** on Bill "An Act To Continue the Maine Lobster Marketing Collaborative"

(H.P. 1236) (L.D. 1791)

Reporting that it be **REFERRED** to the Committee on **MARINE RESOURCES** pursuant to the Maine Revised Statutes, Title 12, section 6455, subsection 8.

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

Sent for concurrence.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

The **SPEAKER**: The Chair would like to thank Representative Ralph Chapman for acting as Speaker Pro Tem this morning.

SENATE PAPERS

The following Joint Resolution: (S.P. 667)

JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES TO CALL A CONSTITUTIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO RESTORE FREE AND FAIR ELECTIONS

WHEREAS, the framers of the United States Constitution intended that the Congress of the United States should be "dependent on the people alone"; and

WHEREAS, that dependency has evolved from a dependency on the people alone to a dependency on powerful special interests, through campaigns or 3rd-party groups, that has created a fundamental imbalance in our representative democracy; and

WHEREAS, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportional influence of special interests and fair enough that any citizen can be elected to office; and

WHEREAS, the Constitution of Maine, Article I, Section 2 states that "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit," and the people have an unalienable and indefeasible right to reform the government when desired; and

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 respectfully applies to the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the United States Constitution that will permanently protect free and fair elections by addressing concerns about the removal of restrictions on amounts of independent political spending through Citizens United v. Federal Election Commission and related cases and events including those occurring long before or afterward or for a substantially similar purpose, and desires that the requested convention should be limited to that purpose; and be it further

RESOLVED: That this State desires that the delegates to the requested convention be composed equally of individuals currently elected to state and local office or be selected by election in each congressional district for the purpose of serving as delegates and all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the requested convention and that the State intends to retain the ability to restrict or expand the power of its delegates within the limits expressed in this paragraph; and be it further

RESOLVED: That this application by this body constitutes a continuing application in accordance with the United States Constitution, Article V together with similar applications calling for a convention passed in Vermont, California, Illinois, New Jersey and Rhode Island and all other passed, pending and future applications until at least 2/3 of the legislatures of the several states have made similar application pursuant to Article V and the convention is convened by the Congress of the United States; and be it further

RESOLVED: That this application is void, rescinded and of no effect in the event that such a convention is not limited to such a specific and exclusive purpose; and be it further

RESOLVED: That the people of the State speaking through its Legislature, and pursuant to Article V of the United States Constitution, hereby apply to the Congress of the United States to call a convention for the exclusive purpose of proposing an amendment to the United States Constitution that will restore free and fair elections as described herein, as soon as 2/3 of the several states have applied for a convention for a similar purpose; 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 the presiding officers of the houses of the legislature of each of the several states in the nation, the President of the United States, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate and each member of the Maine Congressional Delegation.

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

READ.

On motion of Representative LUCHINI of Ellsworth, the Joint Resolution was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act To Provide for In-person Visitation of Incarcerated Persons"

(S.P. 665) (L.D. 1782)

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

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.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 16, 2018, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Transfer Funds to the Maine Clean Election Fund To Provide Adequate Funding for Maine Clean Election Fund Candidates"

(H.P. 1226) (L.D. 1780)

(Committee on **VETERANS AND LEGAL AFFAIRS** suggested)

TABLED - January 9, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**, ordered printed and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 670)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, January 23, 2018 at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

Bill "An Act To Ensure Propane Delivery during Emergencies" (EMERGENCY)

(S.P. 671) (L.D. 1793)

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

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

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

On motion of Representative DOORE of Augusta, the House adjourned at 10:44 a.m., until 10:00 a.m., Tuesday, January 23, 2018, pursuant to the Joint Order (S.P. 670).