

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
6th Legislative Day
Tuesday, January 23, 2018

Representative GILLWAY of Searsport assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.

Prayer by Bill Cumming, Director, The Boothby Institute, West Bath.

National Anthem by Madison Contreras, Avon.
Pledge of Allegiance.

Doctor of the day, Lisa Letourneau, M.D., Portland.

The Journal of Thursday, January 18, 2018 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 387)

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

January 23, 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 Deborah J. Sanderson of Chelsea to serve as Speaker Pro Tem to convene the House on January 25, 2018.

Sincerely,
S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 392)

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

January 19, 2018
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under Title 5, MRSA, Chapter 163, §2003, I am pleased to reappoint Jon Giles of Gray to the Maine Library of Geographic Information Board as a member of the private sector representing geographic information vendors effective February 23, 2018.

Please contact my office if you have any questions regarding this reappointment.

Sincerely,
S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 393)

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

January 19, 2018

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under Title 5, Chapter 371-A §7030 of the Maine Revised Statutes, I am pleased to reappoint Ruth Kermish-Allen of Appleton to the Permanent Commission on the Status of Women effective immediately.

If you have any questions regarding this reappointment, please do not hesitate to contact me.

Sincerely,
S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 388)

**STATE OF MAINE
WORKERS' COMPENSATION BOARD
OFFICE OF EXECUTIVE DIRECTOR/CHAIR
442 CIVIC CENTER DRIVE, SUITE 100
AUGUSTA, MAINE 04333-0027**

January 18, 2018

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Honorable Michael D. Thibodeau

President of the Senate

3 State House Station

Augusta, Maine 04333

RE: Annual report of the Workers' Compensation Board pursuant to 5 M.R.S.A.

§12023(2)

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A. §12023, please consider this the transmittal letter for the required report from the Workers' Compensation Board due by February 1, 2018.

Please contact me if you have any questions or need additional information.

Very truly yours,
S/Paul H. Sighinolfi, Esq.
Executive Director/Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 389)

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF FINANCIAL INSTITUTIONS
36 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0036**

January 16, 2018

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Maine Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:
In accordance with Title 9-B MRSA §217, as amended, enclosed please find a copy of the Annual Report from the Superintendent of the Bureau of Financial Institutions to the Legislature.

In the event that you may have any questions regarding the information contained in this Report, the Bureau would be pleased to respond. This Report will also be available in electronic format at www.maine.gov/pfr/financialinstitutions.

Very truly yours,
S/Lloyd P. LaFountain III
Superintendent

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

The Following Communication: (H.C. 390)

**STATE OF MAINE
LORING DEVELOPMENT AUTHORITY OF MAINE
154 DEVELOPMENT DRIVE, SUITE F
LIMESTONE, MAINE 04750**

January 17, 2018

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333
Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear Speaker Gideon and President Thibodeau:
Pursuant to 5 M.R.S.A., §12023, please consider this the letter of transmittal for the required report from the Loring Development Authority of Maine due by February 1, 2018.

Please contact me if you have any questions or need additional information.

Thank you.
Very truly yours,
S/Carl W. Flora
President & CEO

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

The Following Communication: (H.C. 391)

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

January 23, 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. 376

An Act To Authorize a General Fund Bond Issue for a New Engineering Design and Education Center at the University of Maine (BOND ISSUE)

Taxation

L.D. 442

An Act To Create a Family Caregiver Income Tax Credit

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (S.C. 758)

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

January 18, 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 Inland Fisheries and Wildlife:

- Matthew E. Thurston of Gorham for reappointment to the Inland Fisheries and Wildlife Advisory Council;
- Shawn J. Sage of Hollis Center for appointment to the Inland Fisheries and Wildlife Advisory Council;
- Lawrence D. Farrington of Greenville Jct. for reappointment to the Inland Fisheries and Wildlife Advisory Council;
- Brian D. Smith of East Machias for appointment to the Inland Fisheries and Wildlife Advisory Council;

Upon the recommendation of the Committee on Judiciary, Deborah L. Whitworth of Portland, for reappointment to the Maine Human Rights Commission.

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

READ and **ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE
Pursuant to Statute**

Criminal Law Advisory Commission

Representative WARREN for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission" (EMERGENCY)

(H.P. 1239) (L.D. 1795)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
ConnectME Authority**

Representative BERRY for the **ConnectME Authority** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority (EMERGENCY)

(H.P. 1243) (L.D. 1798)

Be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Public Utilities Commission**

Representative BERRY for the **Public Utilities Commission** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

(H.P. 1244) (L.D. 1799)

Be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Department of Environmental Protection**

Representative TUCKER for the **Department of Environmental Protection** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1242) (L.D. 1797)

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Department of Health and Human Services**

Representative HYMANSON for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1245) (L.D. 1800)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Department of Health and Human Services**

Representative HYMANSON for the **Department of Health and Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 1246) (L.D. 1801)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Commission on Governmental Ethics and Election Practices**

Representative LUCHINI for the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1247) (L.D. 1802)

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Gambling Control Board**

Representative LUCHINI for the **Gambling Control Board** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 28: Advanced Deposit Wagering, a Major Substantive Rule of the Gambling Control Board (EMERGENCY)

(H.P. 1248) (L.D. 1803)

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative BEAR of the Houlton Band of Maliseet Indians, the following Joint Resolution: (H.P. 1238) (Cosponsored by Representatives: ACKLEY of Monmouth, CASAS of Rockport, CHAPMAN of Brooksville, HIGGINS of Dover-Foxcroft)

**JOINT RESOLUTION RECOGNIZING BRENDA
COMMANDER ON THE COMPLETION OF AN
UNPRECEDENTED 5TH TERM OF OFFICE AS CHIEF OF
THE HOULTON BAND OF MALISEET INDIANS**

WHEREAS, Brenda Commander, duly elected Chief of the federally recognized Houlton Band of Maliseet Indians for 20 years, is the longest-serving Chief of the Houlton Band of Maliseet Indians and the longest-serving Chief east of the Mississippi River; and

WHEREAS, during her service, Chief Commander has dramatically improved the living conditions of her tribe and its members by expanding services related to housing, economic development, child welfare and violence against women; and

WHEREAS, by attracting funding through federal, state and local sources for important improvement projects, Chief Commander has inspired Maliseets to rise to the challenge of making a prosperous future for generations to come; and

WHEREAS, Chief Commander has inspired men and women of all ages to follow in her footsteps, to seek out opportunities and to assert their ideas and leadership; 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 recognize Brenda Commander as a dedicated leader and congratulate her on her service to her tribe, to the community and to the State of Maine.

READ.

On motion of Representative BEAR of the Houlton Band of Maliseet Indians, **TABLED** pending **ADOPTION** and later today assigned.

On motion of Representative SANDERSON of Chelsea, the following Joint Order: (H.P. 1241)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services shall report out, to the House, a bill regarding recent rules adopted pursuant to the Maine Medical Use of Marijuana Act.

READ and **PASSED.**

Sent for concurrence.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The Chair wishes to thank the Representative from Searsport, Representative Gillway, for his exemplary work today in leading the House.

REPORTS OF COMMITTEE

**Refer to the Committee on Taxation
Pursuant to Statute**

Representative TIPPING for the **Joint Standing Committee on Taxation** on Bill "An Act To Improve the Effectiveness of the New Markets Capital Investment Credit"

(H.P. 1240) (L.D. 1796)

Reporting that it be **REFERRED** to the Committee on **TAXATION** pursuant to the Maine Revised Statutes, Title 3, section 999, subsection 4.

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

Sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1144) (L.D. 1659) Bill "An Act To Amend Maine's Marine Resources Laws Regarding Certain License Fees and Surcharges That Were Amended by Recently Enacted Legislation" Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(H.P. 1162) (L.D. 1674) Resolve, Regarding Legislative Review of Portions of Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, Urban Impaired Streams, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 1165) (L.D. 1677) Bill "An Act Regarding the Information Required of Debt Buyers for Debt Collection" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 165) (L.D. 209) Bill "An Act To Amend the Laws Governing Temporary Sign Usage" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-573)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

SENATE PAPERS

Bill "An Act To Allow the Efficient and Responsible Acquisition and Sale of Property by the Department of Administrative and Financial Services"

(S.P. 672) (L.D. 1794)

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.

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

On motion of Representative WINSOR of Norway, the House adjourned at 11:39 a.m., until 10:00 a.m., Thursday, January 25, 2018, in honor and lasting tribute to Suzanne Kneeland Grover, of Norway.