

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE  
FIRST REGULAR SESSION  
23rd Legislative Day  
Thursday, March 23, 2017

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

Prayer by Pastor Jeffrey Bateman, Cornerstone Baptist Church, Scarborough.

National Anthem by John Bapst Honors Chorale, Bangor.

Pledge of Allegiance.

Doctor of the day, Elisabeth Mock, M.D., Holden.

The Journal of Tuesday, March 21, 2017 was read and approved.

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**SENATE PAPERS**

Bill "An Act Regarding State Investments and the Dakota Access Pipeline"

(S.P. 320) (L.D. 981)

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

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.

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Bill "An Act To Improve the Unemployment Compensation System"

(S.P. 370) (L.D. 1116)

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

Came from the Senate, with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Bill and accompanying papers **INDEFINITELY POSTPONED** in concurrence.

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Bill "An Act To Allow an Income Tax Deduction for Interest Paid on Student Loans"

(S.P. 372) (L.D. 1123)

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

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

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

**ORDERS**

On motion of Representative DeCHANT of Bath, the following Joint Resolution: (H.P. 788) (Cosponsored by Representatives: ACKLEY of Monmouth, ALLEY of Beals, AUSTIN of Skowhegan, AUSTIN of Gray, BABBIDGE of Kennebunk, BAILEY of Saco, BATES of Westbrook, BATTLE of South Portland, BEAR of the Houlton Band of Maliseet Indians, BEEBE-CENTER of Rockland, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLUME of York, BRADSTREET of Vassalboro, BROOKS of Lewiston, BRYANT of Windham, CAMPBELL of Orrington, CARDONE of Bangor, CASÁS of Rockport, CEBRA of Naples, CHACE of Durham, CHAPMAN of Brooksville, COLLINGS of Portland, COOPER of Yarmouth, COREY of Windham, CRAIG

of Brewer, DANA of the Passamaquoddy Tribe, DAUGHTRY of Brunswick, DENNO of Cumberland, DEVIN of Newcastle, DILLINGHAM of Oxford, DOORE of Augusta, DUCHESNE of Hudson, DUNPHY of Old Town, ESPLING of New Gloucester, FARNSWORTH of Portland, FARRIN of Norridgewock, FAY of Raymond, FECTEAU of Biddeford, FOLEY of Wells, FREDETTE of Newport, FREY of Bangor, FULLER of Lewiston, GATTINE of Westbrook, GERRISH of Lebanon, Speaker GIDEON of Freeport, GILLWAY of Searsport, GINZLER of Bridgton, GOLDEN of Lewiston, GRANT of Gardiner, GRIGNON of Athens, GROHMANN of Biddeford, GUERIN of Glenburn, HAGGAN of Hampden, HAMANN of South Portland, HANDY of Lewiston, HANINGTON of Lincoln, HANLEY of Pittston, HARLOW of Portland, HARRINGTON of Sanford, HARVELL of Farmington, HAWKE of Boothbay Harbor, HEAD of Bethel, HERBIG of Belfast, HERRICK of Paris, HICKMAN of Winthrop, HIGGINS of Dover-Foxcroft, HILLIARD of Belgrade, HOGAN of Old Orchard Beach, HUBBELL of Bar Harbor, HYMANSON of York, JOHANSEN of Monticello, JORGENSEN of Portland, KINNEY of Limington, KINNEY of Knox, KORNFIELD of Bangor, KUMIEGA of Deer Isle, LAWRENCE of South Berwick, LOCKMAN of Amherst, LONGSTAFF of Waterville, LUCHINI of Ellsworth, LYFORD of Eddington, MADIGAN of Waterville, MADIGAN of Rumford, MALABY of Hancock, MAREAN of Hollis, MARTIN of Eagle Lake, MARTIN of Sinclair, MASON of Lisbon, MASTRACCIO of Sanford, McCREA of Fort Fairfield, McCREIGHT of Harpswell, McELWEE of Caribou, McLEAN of Gorham, MELARAGNO of Auburn, MONAGHAN of Cape Elizabeth, MOONEN of Portland, NADEAU of Winslow, O'CONNOR of Berwick, O'NEIL of Saco, ORDWAY of Standish, PARKER of South Berwick, PARRY of Arundel, PERKINS of Oakland, PERRY of Calais, PICCHIOTTI of Fairfield, PICKETT of Dixfield, PIERCE of Dresden, PIERCE of Falmouth, POULIOT of Augusta, PRESCOTT of Waterboro, RECKITT of South Portland, REED of Carmel, RILEY of Jay, RYKERSON of Kittery, SAMPSON of Alfred, SANBORN of Portland, SANDERSON of Chelsea, SCHNECK of Bangor, SEAVEY of Kennebunkport, SHEATS of Auburn, SHERMAN of Hodgdon, SIMMONS of Waldoboro, SIROCKI of Scarborough, SKOLFIELD of Weld, SPEAR of South Thomaston, STANLEY of Medway, STEARNS of Guilford, STETKIS of Canaan, STEWART of Presque Isle, STROM of Pittsfield, SUTTON of Warren, SYLVESTER of Portland, TALBOT ROSS of Portland, TEPLER of Topsham, TERRY of Gorham, THERIAULT of China, TIMBERLAKE of Turner, TIPPING of Orono, TUCKER of Brunswick, TUELL of East Machias, TURNER of Burlington, VACHON of Scarborough, WADSWORTH of Hiram, WALLACE of Dexter, WARD of Dedham, WARREN of Hallowell, WHITE of Washburn, WINSOR of Norway, WOOD of Greene, ZEIGLER of Montville, Senators: BELLOWS of Kennebec, BRAKEY of Androscoggin, BREEN of Cumberland, CARPENTER of Aroostook, CARSON of Cumberland, CHENETTE of York, CHIPMAN of Cumberland, COLLINS of York, CUSHING of Penobscot, CYRWAY of Kennebec, DAVIS of Piscataquis, DESCHAMBAULT of York, DIAMOND of Cumberland, DILL of Penobscot, DION of Cumberland, DOW of Lincoln, GRATWICK of Penobscot, HAMPER of Oxford, HILL of York, JACKSON of Aroostook, KATZ of Kennebec, KEIM of Oxford, LANGLEY of Hancock, LIBBY of Androscoggin, MAKER of Washington, MASON of Androscoggin, MILLETT of Cumberland, MIRAMANT of Knox, ROSEN of Hancock, SAVIELLO of Franklin, President THIBODEAU of Waldo, VITELLI of Sagadahoc, VOLK of Cumberland, WHITTEMORE of Somerset, WOODSOME of York)

**JOINT RESOLUTION TO HONOR THE MEMORY  
OF EDWIN H. PERT**

WHEREAS, it is with deep regret that We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the First Regular Session, take this opportunity to honor the memory of the Honorable Edwin H. Pert, who served the State of Maine as a dedicated public servant for many years; and

WHEREAS, the Honorable Edwin H. Pert was born in Bath and graduated from Morse High School in 1950 and from the University of Maine in 1954; and

WHEREAS, Mr. Pert was a veteran of the United States Army, having served a tour of duty in Korea as a public information officer; and

WHEREAS, upon his return home, he worked as a reporter for the *Bath Daily Times* and as news director for WMMS/WJTO radio; and

WHEREAS, Mr. Pert served in the Maine House of Representatives representing Bath in the 99th Legislature and served as executive director of the Maine Democratic Party; and

WHEREAS, Mr. Pert worked as Secretary of the Senate from 1965 to 1966 and he also served 18 years as the Clerk of the House of Representatives, from 1975 to 1992; and

WHEREAS, Mr. Pert spent several years as executive director of the Maine chapters of the March of Dimes and the Arthritis Foundation; and

WHEREAS, Mr. Pert served the Town of Georgetown in many capacities, including as town moderator and as a member of the board of selectmen, the planning board, the town-owned property management board, the recreation commission and committee and the financial advisory committee, and he was named Georgetown Citizen of the Year in 2003; and

WHEREAS, Edwin H. Pert will be sadly missed and long remembered by his family, his friends and his colleagues at the Legislature and throughout State Government; 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 pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share our sorrow at the passing of the Honorable Edwin H. Pert and to honor his memory for his many years of exemplary and loyal service to the Maine Legislature and the State of Maine; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the family of Edwin H. Pert with the appreciation and affection of the people of the State of Maine.

**READ.**

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

Representative **DeCHANT:** Thank you, Madam Speaker, Ladies and Gentlemen of the House, thank you so much for the opportunity to present this Joint Resolution and to escalate a heartfelt sentiment to this level. We know here that life in the dome is fleeting. The institution every several years sheds its skin and lives beyond our time here, no matter how laborious, perhaps, days in and days are out. Few people make impact, but whether you served with or knew Ed Pert, his influence continues to be a part of the tapestry in which we experience now. So, as it mentioned in the Resolution, Ed Pert was born and raised in Bath and then he moved to the wilds of

Georgetown. To say that he's a fixture in the community would be misleading, because a fixture leads to the impression that he was stationary. Ed Pert was always on the go. Politically, he was a mentor to me. Seventeen years ago, he had the good fortune, perhaps he would feel differently, to be partnered with me with the harvest supper, and that was during the era of paper pilgrims and real turkey, mailings, and community organizing. Socially he was a mentor to me. He was a private person who had a very strong public persona. When the local newspaper had their office downtown, you would often walk by and he would be talking with reporters, with our republican representative at the time, or you would see him holding court in the local coffee shop with business owners and community folks. I often remembered him breezing into the local bank greeting people as he made his way to the teller's counter. Professionally, he was a supporter of mine and my work at the Chocolate Church Arts Center as we were transitioning to a Community Art Center and a presenting venue. This past fall, we had an open house because we improved the sound and the lighting equipment, and to my surprise Ed Pert walks through the door. It was a catered event, modestly catered. It was a catered event and he walked in with his own bag of Oreo cookies, because perhaps he didn't think that my culinary skills were up to what he had expected. And also, in true Ed Pert fashion, he chided me for not starting the event on time because clearly he forgot about the legislative timing. This, Madam Speaker and Ladies and Gentlemen of the House, is a sliver, just a sliver of the impact. A few weeks from that open house that I mentioned, I had the opportunity to meet his family, to celebrate his life and to help organize his memorial service. He was admired, and appreciated, and loved by his colleagues and by friends. He was loved and adored by his family, who are here with us today.

The **SPEAKER:** The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE:** Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, my family is originally from Knox County, but I grew up in southern Maine. Well, actually, I taught in Greenville for eight years and then moved to Kennebunk in '81. But for 39 years that I spent in the classroom, for about 35 of those years I always brought one of my classes to Augusta and the highlight of that trip to Augusta was a Q & A with Speaker Martin and a great deal of time with the House Clerk, Ed Pert. For 17 years Ed was our House Clerk, and he took care of me, and my students, in a wonderful way every year. I do want to mention one item that will give you an idea of his kindness. As a young person, I was active and I was at a state convention, and the convention went very late, it was here in Augusta. And as I walked out into the parking lot, having concluded the day's events, probably 11 o'clock at night, I was about to think, okay, what do I do now? I had made no arrangements and Ed saw me and said, "Chris, have you got a place to stay?" As a matter of fact, I don't. And he said, "Well," and he saw a fellow in the parking lot and he said, "Dom, this fellow's going to stay with you tonight." It was Dom Cuccinello, a lawyer out of Rockland who I ended up having a wonderful -- I slept on the floor, but it was a wonderful experience. He happened to know my grandfather, Chris Roberts, who had been an attorney in Rockland in the 40s, 50s, and 60s, and it was a great act of kindness to prevent me from having to drive a long way home. And that's the kind of, I think surprising, kindness that Ed could be responsible for. I just wanted to stand and, especially for his family, I want to express appreciation and gratitude of both me and the many students of Maine schools for my friend Ed Pert.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I didn't know Ed as well as the Representative from Bath or certainly the Representative from Eagle Lake, who I think will be speaking to this as well, but I am one of many who, I think, whether we know it or not, stand on the shoulders of Ed and appreciate him deeply for that reason. There are a handful of individuals who I can count as being the reason for my being here, today, with all of you and for having served eight years previously in the House, certainly my family, certainly the former Representative from my area, but the other person is Ed. And the reason for that, the immediate reason, is that he passed on so much of what he knew to others. One of those was David Shia, who served ably in this body as Assistant Clerk and as Assistant Leader, and through David I learned how to connect with voters. First of all, I was convinced to run and then I learned how to connect with voters and really listen, talk to them, and understand that the job of being a Representative was founded on that communication. And I also understood, learned to understand, why. I learned that this was really the peoples' House and it was where we needed to bring their voice and where their voices, I would argue, most evident in this building. Ed understood that and he was very passionate about the need to listen to voters and the need to bring their voices directly here, into this body. I also understand how things, learned to understand, how things work in Augusta. Millie MacFarland was the wonderful Clerk of the House when I came in and for most of my early years here, and she learned so much of what she knew and did so well from Mr. Pert. The rules are what allow this body to function, it's what gives the dignity to this institution, and Ed, more than most people that I knew, understood that, appreciated it, and made it his business to ensure that the rules were known and followed in this body and that the dignity of the House, the peoples' House, would remain. So if you appreciate anything that I've accomplished here in my time in this body, or anything that I continue to work on, I hope you'll thank Ed for that. I certainly do every day. If you feel differently, you can blame me, and not Ed, but I think it's fair to say that we all owe Ed Pert a huge debt of gratitude, and I want to thank his family for being here with us so that we can express those sentiments to them. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan.

Representative **MONAGHAN**: Thank you, Ladies and Gentlemen. Thank you, Madam Speaker, Men and Women of the House. I'm sure a lot of you know this already, but my first job out of college was working for the Maine Senate, across the hall there, and it was in the mid-80s. I came up here and worked for the Senate Secretary, Joy O'Brien, later worked full-time with her. But I will never forget when I first started working here, my main work was in the Maine Senate, but I used to always wander down to the Maine House because it was a large group of people and it somewhat reminded me of my large family, so I could really relate to it a little bit more. And I'll never forget meeting, and hearing, Ed Pert for the first time as he worked with John Martin. It was almost as if you were watching a live auction on the House floor. The way they spoke, with lightning speed, it was really amazing to watch. It was almost as if they knew what each other were saying before they even said it. They worked so well together, and they did work for a long time together too. He was a really great guy. He was such a mentor to a lot of us. It was right when the computers were taking on the calendars, and so, you

know, he worked with us and definitely served as a mentor to both Joy and Millie MacFarland and others who rose up in the ranks to become clerks. He was definitely eccentric, but he definitely kept us entertained no less, and he was a great man and I just really will miss him a lot. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. It is an honor to be speaking for the order today. I met Ed when I was first elected, being a student from the University of Maine at Orono, as a freshman legislator in 1965, when the Democrats took over both the House and Senate. Ed of course was elected Secretary of the Senate that year. A few years went by and then, of course, the Democrats, I was then Minority Floor Leader as a Democratic Floor Leader, and eventually we, in 1975, won the House. And so, I became the Speaker, Ed became the Clerk, and we served together for 18 years. And I say that because through all those years we didn't always agree, but he would always make it clear that I was the Speaker and he would say, "If you really want to do that, I don't recommend it." But then I'd back off and rethink about what it was I was going to do. If you look at the rules under which we operate today, many of those rules were drafted and redrafted by Ed, along with what took place at the other body as well. It is at that point that we now have House Chairs. Because in those days, prior to that time, Members of the House were simply the Assistant Chair, or the Deputy Chair, or Vice-Chair, and when we decided that the House should have equal representation on committees, it was the start of that session, in 1975, which made it happen. Ed was one of those persons who worked with me and others to put those rules into effect, and those changes are still in place today. I can well recall many of the events, and of course many people still talk about when we were then killing bills at the end of the session. The two of us, literally in sync and talking so fast that most people had no clue what we were saying, but we knew that we were killing bills. Because the way we came off the table in the other body and came over here, we would just go through that process, very quickly, and we moved it along. And so basically we became known as the Ed and John show. People would talk about it and they'd say, well, you just do that for us again. I could go on a lot about Ed, and I did at the memorial service with the family. And I want to say that, you know, this person left a tremendous mark with his family, but actually for his family here in the Legislature. In perpetuity, we will remember the work that Ed did here. I want to close with something that happened to Ed, which I also disclosed at the memorial service, which people who have been here have reminded me of it, but I also was known as an ability to break gavels. And so, one day I ended up breaking a gavel, the gavel went up in the air and came back and hit Ed. The next day, the legislator, the Republican legislator came in with a hard hat and presented it to him and said, "You better start wearing this if he's going to keep doing that to you." But I think that through those 18 years, there wasn't a better friend to me through this process, and frankly, for all the Members of the House, whether they be Democrats or Republicans, Ed worked for all of us, and for that we need to always remember the work of Ed Pert.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative **HANDY**: Thank you, Madam Speaker, Women and Men of the House. Ed Pert was my introduction to this body. In the 108<sup>th</sup> Legislature, Second Session, Ed hired me as a member of the House Office's staff, and I could

always expect every day when I greeted Ed for the first time of that day, he would say, "James Raphael Handy." Of course, not my middle name, but he knew the importance, he knew the importance of me having my middle initial on anything that was printed, and that was typical Ed. He really attended to the small details, always made someone feel good, and whether it was here in this body or taking my family to the beach, we would find Ed. There are few people in this world that I can say that I truly admire, and Ed is certainly one of them. I loved Ed.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Madam Speaker. Thank you, Members of the House. I just simply and briefly want to say that, as a member of the Sagadahoc Delegation, Ed carefully oversaw not only this body, but our county delegation, and as a candidate in that delegation and as a former County Chair, Ed gave me some of the best advice that I ever had. And I want to thank him and his family, and say goodbye.

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

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

**COMMUNICATIONS**

The Following Communication: (H.C. 98)

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

March 23, 2017

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 Appropriations and Financial Affairs has approved the request by the sponsor, Representative Stewart of Presque Isle, to report the following "Leave to Withdraw":

L.D. 907 An Act Requiring Investments by the Maine Public Employees Retirement System To Be Well-diversified

Pursuant to Joint Rule 310, the Committee on Health and Human Services has approved the request by the sponsor, Senator Saviello of Franklin, to report the following "Leave to Withdraw":

L.D. 226 An Act To Protect and Improve the Health of Maine Citizens and the Economy of Maine (EMERGENCY)

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

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

The Following Communication: (H.C. 99)

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

March 23, 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 Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Education and Cultural Affairs

L.D. 50 An Act To Amend the Laws Governing Teacher Certification

L.D. 95 An Act To Provide a Method for a Student To Be Excused from Standardized Testing

L.D. 181 An Act To Improve Teacher Preparation Programs

L.D. 527 An Act To Prohibit Corporal Punishment in Schools

L.D. 528 An Act To Create a Maine Race, Ethnicity and Cultural Studies Educational Component

Energy, Utilities and Technology

L.D. 474 An Act To Allow a Public Safety Answering Point To Be Reimbursed for Training Costs

Environment and Natural Resources

L.D. 577 An Act Regarding Zero-emissions Vehicles

Inland Fisheries and Wildlife

L.D. 277 An Act Regarding the Use of Helmets by Minors Riding in an All-terrain Vehicle with an Adult

Insurance and Financial Services

L.D. 360 An Act To Allow Consumers To Shop for Credit without Damaging Their Credit Scores

Marine Resources

L.D. 149 An Act To Provide Additional Management for Limited-entry Lobster Zones

L.D. 199 An Act To Implement Decibel Limits for Mechanical Rockweed Harvesters

L.D. 287 Resolve, Prohibiting the Commissioner of Marine Resources from Adopting or Enforcing Certain Rules Limiting the Quantity of Smelts a Person May Take from the Coastal Waters of the State until after Completion of a Study

L.D. 392 An Act Regarding Legal Lobster Haul Times outside of the 3-mile Line

L.D. 539 An Act To Allow Municipalities To Establish Shellfish Conservation Areas

L.D. 616 An Act To Ensure Consistent Access to Limited-entry Lobster Zones

Transportation

L.D. 1 An Act To Repeal the Law Regulating Reflective and Tinted Glass in Automobiles

L.D. 137 An Act To Increase the Safety of Motorists on Public Ways

L.D. 293 An Act To Require Horse-drawn Carriages and Wagons To Be Equipped with Reflectors

Veterans and Legal Affairs

L.D. 657 An Act To Reduce the In-stock Spirits Requirements for Liquor Agents in Towns with Certain Populations

Sincerely,  
S/Robert B. Hunt  
Clerk of House

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

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The Following Communication: (H.C. 100)

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

March 23, 2017  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

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

On March 21, 2017

Thomas A. Davis of Winslow  
Laurence W. Gross of Portland and  
James I. Whitten of Augusta for appointment as  
Commissioners of the Maine State Housing Authority.  
Pursuant to Title 30-A, MRSA §4723.2, these appointments  
are contingent on the Maine Senate confirmation after review  
by the Joint Standing Committee on Labor, Commerce,  
Research and Economic Development.

Donna L. Talarico of North Yarmouth for reappointment as a  
Commissioner of the Maine State Housing Authority.  
Pursuant to Title 30-A, MRSA §4723.2, this reappointment is  
contingent on the Maine Senate confirmation after review by  
the Joint Standing Committee on Labor, Commerce, Research  
and Economic Development.

On March 22, 2017

James R. May of Mapleton for appointment to the Maine Land  
Use Planning Commission.  
Pursuant to Title 12, MRSA §683-A, this appointment is  
contingent on the Maine Senate confirmation after review by  
the Joint Standing Committee on Agriculture, Conservation and  
Forestry.

Dr. Curtis C. Bohlen, Ph.D. of Pownal and  
Deven M. Morrill of Westbrook for reappointment to the Board  
of Pesticides Control.  
Pursuant to Title 22, MRSA §1471-B, these reappointments  
are contingent on the Maine Senate confirmation after review  
by the Joint Standing Committee on Agriculture, Conservation  
and Forestry.

Sincerely,  
S/Sara Gideon  
Speaker of the House

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

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The Following Communication: (S.C. 217)

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

March 21, 2017  
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:

Thomas R. Davis of Winslow for appointment to the Workers'  
Compensation Board

Ronald P. Green, Jr. of Plymouth for reappointment to the  
Workers' Compensation Board

Richelle R. Wallace of Auburn for reappointment to the  
Workers' Compensation 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 Support Tourism on Public Reserved Lands  
by Leasing Sites to Commercial Sporting Camps"  
(H.P. 789) (L.D. 1126)

Sponsored by Representative BLACK of Wilton.

Cosponsored by Senator DAVIS of Piscataquis and  
Representatives: DUCHESNE of Hudson, HILLIARD of  
Belgrade, MARTIN of Sinclair, TIMBERLAKE of Turner,  
WOOD of Greene, Senators: CARPENTER of Aroostook,  
JACKSON of Aroostook, MASON of Androscoggin.

Bill "An Act To Provide Occupants of Motor Vehicles with  
Gold Star Family Registration Plates Free Entry to State Parks"  
(H.P. 790) (L.D. 1127)

Sponsored by Representative SHEATS of Auburn.

Cosponsored by Senator CARSON of Cumberland and  
Representatives: CASÁS of Rockport, FARRIN of  
Norridgewock, LONGSTAFF of Waterville, MADIGAN of  
Rumford, PICCHIOTTI of Fairfield, STROM of Pittsfield.

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.

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Resolve, To Establish the Committee To Study the  
Processing of Evidence from Sexual Assault Test Kits  
(H.P. 791) (L.D. 1128)

Sponsored by Representative DAUGHTRY of Brunswick.

Cosponsored by Senator BELLOWS of Kennebec and  
Representatives: DUNPHY of Old Town, FECTEAU of  
Biddeford, MADIGAN of Waterville, MOONEN of Portland,  
O'NEIL of Saco, PIERCE of Falmouth, TIPPING of Orono,  
WARREN of Hallowell.

Resolve, To Provide Wage Parity for Law Enforcement  
Officers in the Department of Corrections with Other Law  
Enforcement Officers  
(H.P. 809) (L.D. 1146)

Sponsored by Representative FREY of Bangor.

Cosponsored by Senator MAKER of Washington and  
Representatives: GILLWAY of Searsport, NADEAU of  
Winslow, Senators: DESCHAMBAULT of York, DIAMOND of  
Cumberland.

Bill "An Act To Provide a Voluntary Method of Determining Whether a Purchaser of a Firearm Is Prohibited from Possessing a Firearm without a Background Check"

(H.P. 817) (L.D. 1154)

Sponsored by Representative CASÁS of Rockport.

Cosponsored by Senator MIRAMANT of Knox and Representatives: HANINGTON of Lincoln, HUBBELL of Bar Harbor, Senators: CARPENTER of Aroostook, GRATWICK of Penobscot.

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.

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Bill "An Act Regarding College Affordability"

(H.P. 792) (L.D. 1129)

Sponsored by Representative DAUGHTRY of Brunswick.

Bill "An Act To Provide Traffic Safety Education in Schools"

(H.P. 793) (L.D. 1130)

Sponsored by Representative DAUGHTRY of Brunswick.

Cosponsored by Senator KATZ of Kennebec and Representatives: AUSTIN of Gray, FARNSWORTH of Portland, McLEAN of Gorham, RYKERSON of Kittery, SAMPSON of Alfred, Senators: BREEN of Cumberland, CHIPMAN of Cumberland, VOLK of Cumberland.

Bill "An Act To Create Education Savings Accounts for Maine Students"

(H.P. 794) (L.D. 1131)

Sponsored by Representative HANLEY of Pittston.

Cosponsored by President THIBODEAU of Waldo and Representatives: CRAIG of Brewer, GINZLER of Bridgton, LYFORD of Eddington, O'CONNOR of Berwick, SIMMONS of Waldoboro, STROM of Pittsfield, Senator: CYRWAY of Kennebec.

Bill "An Act To Create Education Savings Accounts for Students with Special Needs"

(H.P. 795) (L.D. 1132)

Sponsored by Representative GERRISH of Lebanon.

Cosponsored by Senator BRAKEY of Androscoggin and Representatives: FARNSWORTH of Portland, SAMPSON of Alfred, STEWART of Presque Isle, Senators: KATZ of Kennebec, MASON of Androscoggin.

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.

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Bill "An Act To Modernize the Renewable Portfolio Standard"

(H.P. 810) (L.D. 1147)

Sponsored by Representative DeCHANT of Bath.

Cosponsored by Representatives: BERRY of Bowdoinham, COOPER of Yarmouth, RILEY of Jay, SANBORN of Portland.

Bill "An Act To Allow Promotional Allowances by Public Utilities"

(H.P. 814) (L.D. 1151)

Sponsored by Representative POULIOT of Augusta.

Cosponsored by Senator DION of Cumberland and Representatives: HARVELL of Farmington, O'CONNOR of Berwick, SANBORN of Portland, WADSWORTH of Hiram.

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 Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization"

(H.P. 796) (L.D. 1133)

Sponsored by Representative McCREIGHT of Harpswell.

Cosponsored by Senator HILL of York and Representatives: DENNO of Cumberland, HILLIARD of Belgrade, MADIGAN of Waterville, MALABY of Hancock, PERRY of Calais, Senators: CARSON of Cumberland, CHENETTE of York, DOW of Lincoln.

Bill "An Act To Amend the Laws Governing Nursing Facilities To Permit Nurse Practitioners, Clinical Nurse Specialists and Physician Assistants To Perform Certain Physician Tasks"

(H.P. 797) (L.D. 1134)

Sponsored by Representative STEWART of Presque Isle.

Cosponsored by Senator CARPENTER of Aroostook.

Resolve, Directing the Department of Health and Human Services To Amend Its Rules Regarding Services Provided to Students

(H.P. 799) (L.D. 1136)

Sponsored by Representative FARNSWORTH of Portland.

Bill "An Act To Safeguard the Rights of Private Child Care Businesses"

(H.P. 811) (L.D. 1148)

Sponsored by Representative SIROCKI of Scarborough.

Cosponsored by Representatives: SEAVEY of Kennebunkport, TURNER of Burlington, WINSOR of Norway.

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.

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Bill "An Act To Strengthen the Efficacy of the Medical Marijuana Laws"

(H.P. 798) (L.D. 1135)

Sponsored by Representative CHACE of Durham.

Cosponsored by Representatives: DENNO of Cumberland, FARRIN of Norridgewock, GILLWAY of Searsport, HARRINGTON of Sanford, PICCHIOTTI of Fairfield, PIERCE of Dresden, SAMPSON of Alfred, Senator: LIBBY of Androscoggin.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

Representative HYMANSON of York moved that the Bill be **REFERRED** to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION**.

On motion of Representative SANDERSON of Chelsea, **TABLED** pending the motion of Representative HYMANSON of York to **REFER** the Bill to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** and later today assigned.

Bill "An Act To Amend the Laws Governing Crossbow Hunting"

(H.P. 800) (L.D. 1137)

Sponsored by Representative GERRISH of Lebanon.  
Cosponsored by Senator COLLINS of York and Representatives: BLACK of Wilton, HILLIARD of Belgrade, LYFORD of Eddington, MASON of Lisbon, PIERCE of Dresden, SIMMONS of Waldoboro, WOOD of Greene.

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.

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Bill "An Act To Require Notification of Long-term Care Policy Proposed Rate Increases"

(H.P. 801) (L.D. 1138)

Sponsored by Representative TEPLER of Topsham.  
Cosponsored by Senator DOW of Lincoln and Representatives: COLLINGS of Portland, HERBIG of Belfast, LAWRENCE of South Berwick, MASTRACCIO of Sanford, MELARAGNO of Auburn, PICCHIOTTI of Fairfield, TUCKER of Brunswick, Senator: CARSON of Cumberland.

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.

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Bill "An Act To Clarify Certain Right-of-way Limitations"

(H.P. 802) (L.D. 1139)

Sponsored by Representative STEARNS of Guilford.  
Cosponsored by Representatives: GRIGNON of Athens, HILLIARD of Belgrade, LYFORD of Eddington, WOOD of Greene.

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 To Preserve the Economic Viability of Maine's Historic Properties"

(H.P. 803) (L.D. 1140)

Sponsored by Representative GUERIN of Glenburn.  
Cosponsored by Senator LIBBY of Androscoggin and Representatives: FREY of Bangor, GILLWAY of Searsport, HARRINGTON of Sanford, MALABY of Hancock, MOONEN of Portland, TALBOT ROSS of Portland, Senators: CARSON of Cumberland, CHIPMAN of Cumberland.

Bill "An Act To Encourage the Hiring of Skilled Immigrants through Flexible Certification"

(H.P. 815) (L.D. 1152)

Sponsored by Representative CASÁS of Rockport.  
Cosponsored by Senator CHENETTE of York and Representatives: BEEBE-CENTER of Rockland, GATTINE of Westbrook, GOLDEN of Lewiston, TALBOT ROSS of Portland, Senator: DOW of Lincoln.

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.

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Bill "An Act To Make Election Day a State Holiday"

(H.P. 804) (L.D. 1141)

Sponsored by Representative BATES of Westbrook.

Bill "An Act To Repeal the Laws Establishing the Cumberland County Recreation Center and To Transfer Authority to Cumberland County"

(H.P. 805) (L.D. 1142)

Sponsored by Representative CHACE of Durham.

Cosponsored by Representatives: DENNO of Cumberland, GATTINE of Westbrook, JORGENSEN of Portland, SIROCKI of Scarborough, Senator: CHIPMAN of Cumberland.

Bill "An Act To Establish a Village Corporation"

(H.P. 816) (L.D. 1153)

Sponsored by Representative AUSTIN of Gray.

Cosponsored by Representatives: FARRIN of Norridgewock, HARVELL of Farmington, JOHANSEN of Monticello, SIMMONS of Waldoboro, SUTTON of Warren.

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.

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Resolve, Providing for the Official Observance of the 200th Anniversary of the Formation of the State of Maine

(H.P. 806) (L.D. 1143)

Sponsored by Representative HANDY of Lewiston.

Cosponsored by Representatives: FREDETTE of Newport, PIERCE of Falmouth, Senator CARPENTER of Aroostook and Representatives: ACKLEY of Monmouth, ALLEY of Beals, CARDONE of Bangor, FULLER of Lewiston, HICKMAN of Winthrop, RILEY of Jay, RYKERSON of Kittery, SYLVESTER of Portland.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

On motion of Representative MARTIN of Sinclair, the Resolve was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent for concurrence.

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Bill "An Act To Support Maine Families by Increasing the Dependent Care Credit"

(H.P. 807) (L.D. 1144)

Sponsored by Representative HERBIG of Belfast.

Cosponsored by Senator CUSHING of Penobscot and Representatives: BICKFORD of Auburn, COOPER of Yarmouth, GRANT of Gardiner, McCREIGHT of Harpswell, TERRY of Gorham, Senator: CHENETTE of York.

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

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

Sent for concurrence.

Bill "An Act To Allow the Department of Transportation To Recover Costs Incurred by the Department for Allowing Access to a Controlled Access Highway"

(H.P. 808) (L.D. 1145)

Sponsored by Representative LUCHINI of Ellsworth.

Bill "An Act To Provide Revenue To Fix and Rebuild Maine's Infrastructure"

(H.P. 812) (L.D. 1149)

Sponsored by Representative McLEAN of Gorham.

Cosponsored by Representatives: BRYANT of Windham, GRANT of Gardiner.

Resolve, To Establish the Road Usage Charge Task Force

(H.P. 813) (L.D. 1150)

Sponsored by Representative McLEAN of Gorham.

Cosponsored by Senator MIRAMANT of Knox and Representatives: BERRY of Bowdoinham, BRYANT of Windham, GILLWAY of Searsport, GRANT of Gardiner, PARRY of Arundel, SCHNECK of Bangor.

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

**REFERRED** to the Committee on **TRANSPORTATION** 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 following item was 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, March 21, 2017, 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 Promote Independent Living for People with Disabilities"

(H.P. 779) (L.D. 1105)

(Committee on **HEALTH AND HUMAN SERVICES** suggested) TABLED - March 21, 2017 (Till Later Today) by Representative HYMANSON of York.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

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#### **SPECIAL SENTIMENT CALENDAR**

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

##### **Recognizing:**

Joseph Sylvester Bernard, also known as Dawn Red Eagle, of Caribou, who is celebrating his 90th Birthday on March 20, 2017. Throughout his life, Dawn Red Eagle has worked as an activist, teacher and entertainer, and is well known as a Maliseet cultural and treaty rights advocate. We extend to him our congratulations and best wishes;

(HLS 157)

Presented by Representative BEAR of the Houlton Band of Maliseet Indians.

Cosponsored by Senator JACKSON of Aroostook, Representative McELWEE of Caribou.

On **OBJECTION** of Representative BEAR of the Houlton Band of Maliseet Indians, was **REMOVED** from the Special Sentiment Calendar.

##### **READ.**

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. I rise today wearing this Eagle feather in honor of this 90-year-old Maliseet Elder who sits with us today. Madam Speaker, I am speaking of Mr. Joseph Sylvester Bernard. He was born on the largest of our Maliseet Indian reservations, just a few minutes from Fort Fairfield, Maine, on the Canadian side of the border. But that's not essentially where he's from. He's been a lifelong resident of Caribou, Maine. He is the son of parents George and Mary Ann Bernard, and I mention them because they are significant as well. He attended the reservation's Indian Day School, as it was then called, a government funded and run school, and with problems there with one teacher, one of the government teachers, he left finally at the age of 7 -- correction, in grade 7, and at the age of 13 he began his journey on the good red road of the people, as he calls it, and has been on his journey ever since. Initially he traveled to local Maliseet Indian reservations up and down the St. John River, visiting relatives, experiencing conditions at these other reservations, and to see for himself if conditions there were similar to the poverty, problematic and substandard housing, the alcoholism, the unemployment, racism, and neglect, and the desperation that he had experienced on his home reservation, and they did. In the early '40s, the population there was only 300 Indians, on his home reservation. He began, unfortunately, to fall into depression, experienced a bout of alcoholism, which nearly killed him when he woke from driving impaired, nearly running head on into another vehicle. He then joined Alcoholics Anonymous, which began to turn his life around. After sobering up, he learned to play guitar and sing. He mentored, he was mentored by many famous country and western entertainers, including those out of Nashville--Johnny Cash, Hank Snow. In fact, he tells me that he got his first drink from Hank Snow, back then. But after that, apparently he waved it off once and for all. But Waylon Jennings, you would know these names. Anyway, he would later write songs, and he would tour, and he was known as the Indian Cowboy and wore a red blazing entertaining clothing, and had a special guitar made for it. He is surviving his partner, Bonnie, who he was married to for 43 years. He worked all his life to become informed and outspoken as the tribal, as an Indian activist, fighting for and protecting the rights of our people, including those of other tribes. He in the '60s began to protest against racism, and at this point I'm going to break away to read to you. And out of respect for my Elder, I may not be taking this and doing this too quickly. This letter is important and significant for you to hear, and in 1965 he writes a letter to then Governor John Reed, and it's important that you hear this letter to Governor Reed from Sylvester Bernard who sits up there, and he says, "To Governor John Reed, State House, Augusta. Dear Sir: We take the liberty of addressing you in this manner firstly, because the matter which we wish to discuss falls within your jurisdiction as Governor of Maine and, secondly, because it is our honest opinion that you, as a just man, will find the facts outlined herein as intolerable by reason on humanitarianism, sound ethics, and good common sense, and finally, because of the special affinity that has existed through the years between the Reed family and the Indian people. It is



with deep, personal grief, but not without indignation and disgust, that we wish it known that in certain parts of Maine there exists among a bigotist, narrow-minded group of white people the feeling that the Indian is a subhuman species not worthy of common courtesy or respect. The case in point here is the Town of Princeton, Maine. Indians are denied access to barber shops and public eating facilities. We, as Indians of the Maliseet Tribe, have never encountered such open manifestation of racial bias and discrimination; however, we submit this information on very trustworthy and reliable sources that this is indeed a true statement of facts. At a recent meeting of the National Indian Youth Council, at the Hotel Edison in New York City, we brought to the attention of the Executive, and it was unanimously agreed, that we could not be apathetic to this deplorable situation. However, we wish to point out that this was a private action that does not encompass the New York group as an entity. Due to the limitations in time and other extenuating circumstances, it was not possible to take a vote on collective action which would reflect upon the organization as a whole. We expect to remedy this in the near future in our conference with the Executive Body of the New York City Indian Youth Group. It was decided, however, that some plan of action was clearly imperative. Among the steps we felt might possibly bring this matter to the only true and democratic solution was this appeal to you in our behalf in your capacity as Governor. It was brought out that since the majority of people of Maine are presumably honorable and God-fearing folk, they should be made aware of the fact that racial bias is not confined to the southern United States, hence the need to communicate with them through the conventional news media. Furthermore, it was suggested that we enlist the aid of influential organizations, such as church groups, Chamber of Commerce, major publications, such as the *Christian Science Monitor*, etc. The National Indian Youth Council is a relatively new organization," he actually founded it. "But it is a dynamic, well informed, and determined group of young men and women of Indian ancestry. Its membership boasts people prominent in virtually all fields of endeavor, persons who are close to the functions of various organizations which operate on a national scale. It is not inconceivable, therefore, that an isolated, relatively minor, and seemingly insignificant example of racial bias against the red man in Princeton, Maine, could be brought into national focus as a crime against human dignity. Speaking as a private individual and as President of the Indian Tribal Group in New York, Mr. Governor, we would prefer the present situation brought to an honorable, quiet solution inspired by the most sublime and lofty instincts of human nature. Mutual esteem, genuine trust, and a true spirit of altruism, virtues of excellence that bespeak the man of goodwill. In closing, may I say that I'm aware that there is a voluminous amount of legislation, both on a federal and state level, that makes discrimination unlawful. In recent memory, I believe that a bill to this effect was also adopted by the Maine Legislature. It is our honest belief that the Indians of Maine will and should not be obliged to resort to legal maneuvers to eradicate a social injustice that is intrinsically wrong, malicious, and dastardly as the present state of affairs in Princeton, Maine. Respectively, Joseph Sylvester Bernard, President."

Now the Governor responded with a very short letter, which in essence says, this is 1965, 20 days later, "Mr. Sylvester Bernard, President, Intertribal American Indian Club, Bridgeport, Connecticut. Dear Sirs: Both the Executive and Legislative Branches of the state government in Maine have taken a variety of decisive actions over the past few years

designed to prevent discrimination being directed against any people on the basis of race, color, or creed. The Executive Branch of our state government has been actively engaged for several years in taking what steps could be taken to ensure compliance with the technical requirements of the statute, and to encourage and promote compliance with the fullest spirits of the statute. I shall be glad to take steps to determine the extent to which discrimination may be involved in this situation to which you refer. Sincerely yours, John Reed." Thirty days later, in the attached news clipping, May 29, 1965, the State of Maine creates its first Department of Indian Affairs, and perhaps the good member from Aroostook County would have been Speaker at the time, I'm not sure. But this is the work, this exemplifies the type of work standing up for fellow people that Joseph has done all his life. I could read you a letter about how he opposed the damming of rivers and what have you, but I will not do so, I will conclude. I will conclude by asking that we all recognize our friend, that we realize his, you know, his importance as a living repository of a part of Maine history. He has stated many times that for as long as he is on this, his earth walk, and even beyond that, he will continue to be an activist. He will continue to keep to the teaching of our Maliseet language, working and conducting traditional ceremonies on behalf of his people. And just yesterday he was in Fredericton, leading in ceremony, and now he has come here from Canada to participate in this honor and I'm so grateful that he got here safely. He will continue to remember and honor and be accountable to the ancestors of the people and to the seventh generation yet to come. On behalf of all of us, in his language, "Gill-oo-zee-gig-oo-wigk Nee-dub Wool-ee-wun" which means, on behalf of all of us, we thank him for being here and for treating us, all of us, so good. So, I would ask that we welcome him in the usual manner. Thank you.

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

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The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Madam Speaker. I request permission to speak on the record.

The SPEAKER: The Representative has requested unanimous consent to address the House on the record. Hearing no objection, the Representative may proceed on the record.

Representative **TUELL**: Madam Speaker, Ladies and Gentlemen of the House, it's my great honor to welcome some folks from way Downeast up here today. There are some young men with some extraordinary talent, the Machias Boys Class D State Champion Basketball Team, all the way from way Downeast and they and their coach, Jimmy Getchell, and 1,000-point scorer James Mersereau, really captured the imagination of Washington County this past February and all throughout the winter. As a testament to their accomplishments of going 56-7 over the past four years, and winning the State Championship a couple of weeks ago, this basketball team, these young men, who are role models for all of us in so many ways, were welcomed back into Washington County with a 12-mile-long motorcade of first responders, of Forest Rangers, Marine Patrol, the State Police, you name it, leading them back into Washington County. There were fireworks going off, while I probably shouldn't -- at ten o'clock at night, there were fireworks going off in a mid-March, early March evening to celebrate the occasion. There were hundreds of people at the Machias High School to welcome

them home at 11:30 at night. There were, it was just a great, truly great occasion. Our whole area is so proud of these young men and what they have done, all they have done for the community, and for the basketball in our region. So I would welcome them, and thank them, and congratulate them in all that they have done. Thank you.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative REED: Permission to speak on the record?

The SPEAKER: The Representative has requested unanimous consent to address the House on the record. Hearing no objection, the Representative may proceed on the record.

Representative REED: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise this morning to recognize once again the Herman Hawks Lady Cheerleaders, the Class B Champions of the State of Maine for the sixth time in the last seven years. They now have been here longer than I have. What a tradition. To win one championship is quite an accomplishment. To win six championships in seven years is truly a testament to the commitment and hard work of the coaching staff and to these young ladies from Herman High School. It also speaks volumes on behalf of the coaching staff and their commitment to the preparation that is necessary for the development of young ladies in the elementary and middle school levels that are now preparing to follow these champions in the years to come. I offer congratulations to the coaches, Christy Reed and Michelle Paradis, to the seniors for their leadership, and to all of the ladies on another outstanding year. Ladies, thank you for joining us here in the House today. You are the pride of Herman High School, the entire community of Herman. You are an inspiration to all the young girls who hope someday to follow in your footsteps. I hope that you will look back, from time to time, on your successes as members of this team, and from it gain the strength and encouragement to overcome many of the great challenges that you are certain to face in the future. Congratulations and best wishes to all the seniors as you move forward to new endeavors and the next plateau of your lives. Thank you, Madam Speaker, and thank you, Ladies and Gentlemen of the House.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunphy, who wishes to address the House on the record.

Representative DUNPHY: Thank you, Madam Speaker. I also would like to rise and congratulate the Herman Hawks Cheering Team. My niece is on the team, Ashley, and I know how hard she's worked. And I'm really proud of the girls, their determination, their success, and I couldn't let it go without congratulating them also.

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

Representative GUERIN: Thank you, Madam Speaker. I also join my congratulations with the other Reps. that have spoken before me. I am a former cheerleader myself, and I know the hard work and training it takes to be there, and I also told the girls this morning that they are all already leaders.

Tomorrow's female leaders are in our gallery today and I congratulate them.

## REPORTS OF COMMITTEE

### Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-7)** on Bill "An Act To Increase the Size of Grants under the Maine State Grant Program"

(S.P. 11) (L.D. 32)

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor  
DAUGHTRY of Brunswick  
FARNSWORTH of Portland  
FULLER of Lewiston  
McCREA of Fort Fairfield  
PIERCE of Falmouth

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senators:

LANGLEY of Hancock  
MAKER of Washington

Representatives:

GINZLER of Bridgton  
SAMPSON of Alfred  
STEWART of Presque Isle  
TURNER of Burlington

Came from the Senate with the Minority **OUGHT NOT TO PASS Report READ** and **ACCEPTED. READ.**

Representative KORNFIELD of Bangor moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report.**

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report.**

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 Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

### ROLL CALL NO. 17

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Berry, Blume, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCreA, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Beebe-Center, Brooks, Haggan, Herrick, Hogan, Ward.

Yes, 75; No, 69; Absent, 6; Excused, 1.

75 having voted in the affirmative and 69 voted in the negative, with 6 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-7)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 28, 2017.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Resolve, Directing the Department of Transportation To Install a Caution Light in New Sweden

(S.P. 60) (L.D. 168)

Signed:

Senators:

COLLINS of York  
ROSEN of Hancock

Representatives:

McLEAN of Gorham  
AUSTIN of Skowhegan  
CEBRA of Naples  
GILLWAY of Searsport  
GRANT of Gardiner  
PARRY of Arundel  
PERKINS of Oakland  
SCHNECK of Bangor  
SHEATS of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-5)** on same Resolve.

Signed:

Senator:

MIRAMANT of Knox

Representative:

BRYANT of Windham

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**READ**.

On motion of Representative McLEAN of Gorham, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Bill "An Act To Provide for Legislative Review of Federally Mandated Major

Substantive Rules under the Maine Administrative Procedure Act"

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

Signed:

Senators:

DAVIS of Piscataquis  
DESCHAMBAULT of York  
KEIM of Oxford

Representatives:

MARTIN of Sinclair  
BEEBE-CENTER of Rockland  
BRYANT of Windham  
GRIGNON of Athens  
HARRINGTON of Sanford  
HOGAN of Old Orchard Beach  
MADIGAN of Rumford  
ORDWAY of Standish  
PICKETT of Dixfield

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

SPEAR of South Thomaston

**READ**.

On motion of Representative MARTIN of Sinclair, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, March 28, 2017.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Add Vehicles Hauling Animal Bedding to Those Exempt from Posted Road Restrictions" (EMERGENCY)

(H.P. 164) (L.D. 208)

Signed:

Senators:

COLLINS of York  
MIRAMANT of Knox  
ROSEN of Hancock

Representatives:

McLEAN of Gorham  
AUSTIN of Skowhegan  
BRYANT of Windham  
GRANT of Gardiner  
SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-13)** on same Bill.

Signed:

Representatives:

CEBRA of Naples  
GILLWAY of Searsport  
PARRY of Arundel  
PERKINS of Oakland  
SHEATS of Auburn

**READ**.

Representative McLEAN of Gorham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The farmers out there who pay their taxes, who pay their excise taxes, who now find themselves with less and less sawmills to be able to bring sawdust to their cows during the posted road seasons and the amendment to this bill merely suggests that you can give the local municipalities the right to either allow or not allow the people to get sawdust to their cows. And if you don't find any of these arguments reason enough to vote for the amendment, put yourself in this position: Here's Daisy, the wonderful cow, standing on a rubber mat on a cement floor, giving us her milk for cheese and butter and probably one day, a burger. She looks down, there's no sawdust. Now put yourself in a similar position in a bathroom of your own making. You look over and the roll is empty. And imagine that a truck couldn't bring toilet paper to your local area of buying it. I urge you to vote against the motion.

The **SPEAKER**: The House will be in Order. The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Wow, I've got to follow that. Thank you, Madam Speaker. Many farmers in my area and across the State of Maine live and farm on roads that are posted in the spring. As the frozen ground is thawing, roads in my own district have already begun to fall into this category as early as January 20<sup>th</sup> of this year, which is why I had submitted this emergency bill. Farms don't have the luxury of waiting for the frost to leave the ground in order to perform daily activities, and milk trucks currently are exempted from posted roads, meaning they can continue to operate on these roads despite the restriction. This is vital to our dairy farms, as they have limited capacity for milk storage before sending it off to the dairy for processing, and milk is picked up as often as daily on some of Maine's larger farms. I presented the inclusion of trucks hauling animal bedding, primarily sawdust and shavings, for the health and safety of Maine's livestock. Farming can be a messy business, especially when dealing with animal manure, as we heard. Clean bedding for these animals is essential to their health and well-being. A clean and healthy cow is a happy cow, and a happy cow produces milk. With the growth of the wood pellet industry, sawdust and shavings for animal bedding can be scarce, especially at this time of year. As an example, today my own truck was scheduled to haul sawdust to three farms in need of this for their animals, and at the last minute we had to cancel all three loads due to the unavailability of sawdust and shavings this week. Rural Maine towns, town offices are also -- they're not open every day and so trying to locate these local town Selectman and a Road Commissioner is not always a feasible act as these are part-time positions, with hours that often do not coincide with when we are able to be on the road. Unlike the dairy trucks, which travel these roads daily, bedding trucks are on these roads only once, every two to six weeks. So this isn't an everyday occurrence. This is where the amendment does provide the municipalities the ability to still restrict the access to the roads if they really get to the point where they really cannot be traversed, but our farms really need this product and I hope you will support a "no" vote on Ought Not to Pass. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Madam Speaker. I rise to oppose the Ought Not to Pass, and I just would like to briefly let you know why. These farmers are hardworking people, they pay their road taxes, they pay their vehicle excise taxes. The alternative to this Ought Not to Pass is to let them do it. To let them ride on the roads that they need to, to operate their farms. I know in committee we discussed some alternatives that would make it so that it was very similar to the oil trucks that people need to get on their posted roads so that they can have heating oil. The farmers need this. It's an important element to the hygiene, the cleanliness of their farms. And I just need to remind you, this does not say, in alternative to this Ought Not to Pass, does not say "shall"; it says "may," and we could give the municipalities the opportunity to decide for themselves, on their specific roads, that they are there on the ground looking at, whether or not they should allow this. So I strongly urge you to give this consideration. The Ought Not to Pass is just hand stringing, it's just handcuffing our agricultural people, and we don't want to do that. We really don't, as a state. We want to let the municipalities decide for themselves. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. Can I pose a question to the Chair?

The **SPEAKER**: The Member may proceed.

Representative **CAMPBELL**: To whoever might want to answer, is it the intent of the alternative to limit this to wood products and not gravel and sand?

The **SPEAKER**: The Representative from Orrington, Representative Campbell has posed a question to anyone in the Body who wishes to answer. The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The reason for that is we looked at it as the weight of gravel or sand would be a lot more than the wood shavings. So we figured, too, that if we opened it up to sand, then there would be an issue on everybody that hauls sand wanting to go over the roads. So we wanted to make it really narrow, and with the wood shavings and bedding to be a lighter load. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you, Madam Speaker. I don't want to drag this out very long but I really appreciate the concerns that were brought up by Representative Kinney and, you know, I share many of them. But some of the concerns of others on the committee included allowing large and heavy trucks on posted roads and we're approaching the posted road season. We all know what damage large and heavy, overweight trucks can do to the roads. And one of the other pieces, or one of the other reasons why I oppose passage of this particular bill was because there's already a provision in law that allows certain folks to get an exemption in order to move their goods on posted roads. So, those are the reasons why I oppose this. That being said, I do appreciate the concerns that were raised bringing this bill forward. Thanks.

The **SPEAKER**: The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think there might be some confusion on the weight limit. If we are talking

a six-wheel wheeler, one axle with probably nine yards of sawdust, that's going to weigh probably half as much as a load of fuel on a six-wheel truck. I mean, if you're going to talk a six-axle trailer, truck and trailer, yeah, that might pose a question, but pound per square inch is still going to be less on that six-axle trailer and truck versus a two-axle tandem, you know. So, I think there's got to be some clarifications here before we just make a rash decision and vote this down because, you know, we can't be a body that limits growth for small businesses, and I think that might do it. But I think we really have to let this set and resonate and see what we're going to do here. If this is a tri-axle truck, well, maybe that might be a problem, but, you know, I think we ought to just do - - you know, let it go back to committee and probably do some more discussion on it. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Sheats.

Representative **SHEATS**: Thank you, Madam Speaker. Representative Hanington raises a good point that there are many different issues involved in this. What it's carrying? How full the truck load is? And that's why right now municipalities are asked to make these decisions for themselves on what roads they will be traveling. As Representative McLean mentioned, state roads and state aid roads already have exemptions for this. This is a bill that affects the municipalities themselves, the municipality's roads that are not receiving state aid. So this would be imposing upon the municipality's rules that we, not giving them money, are giving them rules. Speaking direct to the representatives in my own towns, they said that this is not an issue, that truck drivers are able to talk to them directly about the roads, when they want to drive on them, which roads are involved, what the load is, and that they are able to handle it locally on their own. I initially voted Ought to Pass as Amended because we were offered an amendment that's not being discussed here, but as the bill is today, I will vote Ought Not to Pass.

The **SPEAKER**: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I'm one of the lucky farmers because my crop doesn't require any sawdust. I create it. But this bill could get a farmer in trouble if you don't pass it, because if the municipality decided, and the provision decided, that he couldn't get the load of sawdust in, I can see the next thing happening is HSUS coming in and declaring that he's treating his animals poorly. And then the next thing they do, they get a call to the State of Maine and the Animal Control Officer has to come over and declare whether he's getting the proper bedding, and the proper care, and the proper use of this animal is being properly taken care of. So ladies and gentlemen, this is not granting permission without them getting permission from their local town fathers and selectmen and councils before they do this. We're putting -- we're granting permission for the towns to grant it so when the load can be delivered they don't have to track somebody down and get permission that day, for that hour, for that minute for them to come in. They can give protection to their animals when it's needed, how it's needed, and we keep farmers out of trouble by letting them care for their animals. This is about the care and well-being of our animals in the State of Maine. So I will be voting against the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Rumford, Representative Madigan.

Representative **MADIGAN**: Thank you, Madam Speaker. I'm a former town manager, and town managers in the State of

Maine wear many hats, one of which is road commissioner. And I've been a road commissioner, I've signed those orange posted notices many times for many roads as a road commissioner. What people may not understand is those postings don't always apply. If it's below freezing in the early morning they don't apply, you can still ride on posted roads so long as it's below freezing, and so long as there's no puddles in the road. Municipal roads are very expensive to maintain. That's the purpose of this law. And I hear, you know, they might get a delivery every six weeks, but I'm sure farmers put up hay that's going to cover them for the whole winter. Why aren't they putting up sawdust? I built a three-mile stretch of road in Mexico a few years back, it cost \$1,700,000. That's unbelievable, the cost of road construction. And the reason it cost so much is because it had been torn up for many, many, many years with logging. At the end of that road, dead-end road, was a 5,000-acre forested parcel that got logged all the time. But the purpose of this is to prevent logging, primarily, from regular trips. But if you have a one-time unique situation, like someone that absolutely has to have sawdust, I've always had the authority to give the okay. We've given it in Rumford to potato farmers who have to get their seed potatoes out while the roads are still spongy. We let them go out. I've had cases where someone had to have one load of roof shingles delivered on about 100 feet up a posted road. Town officials are not unreasonable. Town officials understand that life has to go on. I mean, it's a big difference to let one truck go in on a posted road, once, than it is to have logging trucks run day, after day, after day. So I intend to vote in favor of the Ought Not to Pass.

The **Speaker**: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I am a proud member of the Committee on Transportation and I'm a new member of the committee, and I've learned so many things already. I have learned so much about the laws that apply to our roads, and one of the things I've learned was that farmers can already have this exemption for bedding for their animals. Unless, God forbid, cows become a partisan issue in the House of Representatives, I would ask the Clerk to please read the Committee Report. Thank you.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 18**

YEA - Ackley, Austin B, Babbidge, Beebe-Center, Berry, Blume, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Duchesne, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Hubbell, Hymanson, Jorgensen, Kornfield, Kumioga, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, Perry, Pierce T, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Alley, Austin S, Bailey, Bates, Battle, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Devin, Dillingham, Dunphy, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Grohman, Guerin, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head,

Herbig, Hickman, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lawrence, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reckitt, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Brooks, Haggan, Herrick, Hogan, Ward.

Yes, 62; No, 83; Absent, 5; Excused, 1.

62 having voted in the affirmative and 83 voted in the negative, with 5 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative McLEAN of Gorham, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-13)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 28, 2017.

Nine Members of the Committee on **JUDICIARY** report in Report "A" **Ought Not to Pass** on Bill "An Act To Prevent Bad Faith Assertions of Patent Infringement"

(H.P. 4) (L.D. 2)

Signed:

Senators:

KEIM of Oxford  
HILL of York  
WHITTEMORE of Somerset

Representatives:

BRADSTREET of Vassalboro  
CARDONE of Bangor  
GUERIN of Glenburn  
JOHANSEN of Monticello  
McCREIGHT of Harpswell  
SHERMAN of Hodgdon

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-12)** on same Bill.

Signed:

Representatives:

BABBIDGE of Kennebunk  
BAILEY of Saco  
RECKITT of South Portland

One Member of the same Committee reports in Report "C" **Ought to Pass** on same Bill.

Signed:

Representative:

MOONEN of Portland

**READ.**

On motion of Representative MOONEN of Portland, Report "A" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

#### CONSENT CALENDAR

##### First Day

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

(H.P. 191) (L.D. 258) Bill "An Act To Amend the Charter of the Southwest Harbor Water and Sewer District" Committee

on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-15)**

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

#### CONSENT CALENDAR

##### Second Day

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

(S.P. 45) (L.D. 97) Bill "An Act To Establish Speed Limits at Loring Commerce Centre and Brunswick Landing" (EMERGENCY)

(S.P. 96) (L.D. 308) Bill "An Act To Prohibit Charging Maine Seniors Higher Automobile Insurance Premiums Based Solely on Their Age" (C. "A" S-6)

(H.P. 23) (L.D. 22) Bill "An Act To Repeal the Requirement That Municipalities License Roller-skating Rinks"

(H.P. 327) (L.D. 461) Resolve, Regarding Legislative Review of Chapter 220: Removal of Provider of Last Resort Service Obligation, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

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

#### BILLS IN THE SECOND READING

##### House

Bill "An Act Concerning the Property Tax Levy Limit"

(H.P. 16) (L.D. 15)

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

##### Emergency Mandate

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

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

(C. "A" H-5)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 137 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

#### Acts

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

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

An Act To Exclude Cardboard Beverage Containers from the Laws Governing Returnable Beverage Containers

(S.P. 73) (L.D. 227)

(C. "A" S-4)

An Act Concerning the Law Governing the Posting of Newspaper Legal Notices and the Statewide Repository for Legal Notices

(H.P. 243) (L.D. 329)

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**.

#### ORDERS

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 26)

ORDERED, that Representative Kevin J. Battle of South Portland be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Paul B. Chace of Durham be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ralph Chapman of Brooksville be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Matthea Elisabeth Larsen Daughtry of Brunswick Matthea Elisabeth Larsen Daughtry of Brunswick be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kathleen R. J. Dillingham of Oxford be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard R. Farnsworth of Portland be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gay M. Grant of Gardiner be excused March 14 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Martin J. Grohman of Biddeford be excused March 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lance Evans Harvell of Farmington be excused March 14 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Erik C. Jorgensen of Portland be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter A. Kumiega III of Deer Isle be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mark W. Lawrence of South Berwick be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Andrew J. McLean of Gorham be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Margaret M. O'Neil of Saco be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeffrey K. Pierce of Dresden be excused March 16 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Roger E. Reed of Carmel be excused March 14 and 16 for health reasons.

AND BE IT FURTHER ORDERED, that Representative H. Stedman Seavey of Kennebunkport be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Abden S. Simmons of Waldoboro be excused March 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Michael A. Sylvester of Portland be excused March 14 for health reasons.

**READ and PASSED.**

On motion of Representative LOCKMAN of Amherst, the following House Order: (H.O. 27)

WHEREAS, each elected member of the Maine House of Representatives has signed the Legislative Code of Ethics; and

WHEREAS, Representative Ryan Tipping of Orono served on the Joint Standing Committee on Education and Cultural Affairs from January 2015 to November 2016; and

WHEREAS, while seeking reelection, Representative Tipping was paid at least \$9,000 beginning in May of 2016 by the Citizens Who Support Maine Public Schools, a political action committee, referred to in this order as "PAC," that received funds from the Maine Education Association and National Education Association, over a period of 6 months to advocate for and actively campaign in support of the imposition of a significant tax increase on the Maine people and small businesses that would provide additional funding for public education; and

WHEREAS, Representative Tipping failed to report his PAC income by August 7, 2016 as required by law; and

WHEREAS, Representative Tipping's failure to disclose this PAC income as required by law may constitute a willful violation of state law and legislative ethics; and

WHEREAS, questions concerning Representative Tipping's conduct threaten to cast a shadow over all of the work of the 128th Maine Legislature; and

WHEREAS, the integrity of the Maine House of Representatives is being called into question by the very people we represent; and

WHEREAS, the House Ethics Committee exists for the purpose of investigating potential violations of the Legislative Code of Ethics; now, therefore, be it

ORDERED, that the House Ethics Committee shall convene no later than April 13, 2017 to thoroughly investigate the actions of Representative Ryan Tipping and the potential violation of the Legislative Code of Ethics, and that, by May 12, 2017, the committee shall make recommendations to the full House as it considers appropriate.

**READ.**

Representative LOCKMAN of Amherst **REQUESTED** a roll call on **PASSAGE**.

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

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

Representative **LOCKMAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, the content of the House Order before us is already familiar to every member of this body so I won't belabor any of it. What I do want to share with you is how my constituents have reacted to the sequence of events that led to the filing of this Order. Madam Speaker, when my constituents look at this conduct, the sequence of events involving Representative Tipping and

the Speaker's Office, they asked me, even if this conduct is legal, how can it possibly be ethical? And why would anyone be opposed to referring this matter to the House Ethics Committee? In particular, why isn't Representative Tipping asking the Ethics Committee to clear his good name? Madam Speaker, I urge passage of the House Order before us. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Madam Speaker, Women and Men of the House. When Mainers went to the ballot box and voted for each of us, someone they thought would help make their lives better, do you think this is what they pictured? We were elected to work together to make things better for Mainers. Trying to make people look bad above everything else, above what we must accomplish for this state is not government working for the people of Maine. Can we stop wasting time? Can we put this energy into something we can all be proud of? Thank you, Madam Speaker.

The SPEAKER: The Chair inquires why the Representative from Amherst, Representative Lockman has risen a second time. The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: I believe that Representative Herbig's statement that we're trying to make people look bad calls into question people's motives and it should be out of order. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Madam Speaker. I didn't intend to rise on this but I feel the need to. I don't think anybody is trying to make anybody look bad. I signed off on the Code of Ethics two years ago, and again at the beginning of this session, as each one of us did in this body. And I would just say that if we're going to do things and we're going to show ourselves as a body that believes ethics is important, that we need to do everything we can do to make sure the general public out here, which I have been getting numerous emails on as well, understand that we are committed to those ethics. That's why I believe, my own feeling, and I believe it's held by many, that is that this can be taken care of very easily by passing this Order, taking care of it, going, letting the Ethics Committee take care of the issue. It's over, it's done with. It's not about anybody assassinating anybody; it's about doing the right thing. And I think it's time for this body together, bipartisanly, to do the right thing and pass this Order and get it over with.

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

**ROLL CALL NO. 19**

YEA - Austin S, Bickford, Black, Bradstreet, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey,

Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

ABSENT - Brooks, Campbell, Haggan, Herrick, Hogan, Tipping, Ward.

Yes, 65; No, 78; Absent, 7; Excused, 1.

65 having voted in the affirmative and 78 voted in the negative, with 7 being absent and 1 excused, and accordingly the House Order **FAILED PASSAGE**.

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

**SENATE PAPERS**

The following Joint Order: (S.P. 373)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, March 28, 2017 at 10:00 in the morning.

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

Bill "An Act To Deregulate the In-state Extraction and Sale of Raw Honey"

(S.P. 388) (L.D. 1167)

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 Authorize a General Fund Bond Issue To Provide Funding for a Program of Student Debt Cancellation and Refinancing"

(S.P. 384) (L.D. 1163)

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights

(S.P. 389) (L.D. 1168)

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

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



Bill "An Act To Address Administrative Shortages in Maine Schools by Amending the Law Regarding the Salaries of Retired Public School Administrators Who Return to Service"

(S.P. 377) (L.D. 1156)

Bill "An Act To Remove the Limit on the Number of Public Charter Schools That May Be Approved"

(S.P. 379) (L.D. 1158)

Resolve, To Require a Study of Wages and Working Conditions for Child Development Educators and Staff

(S.P. 381) (L.D. 1160)

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.

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Bill "An Act To Promote the Development of Solar Energy in Maine"

(S.P. 374) (L.D. 1124)

Bill "An Act To Create a Limited Microgrid Project To Stimulate Economic Development in Northern Maine"

(S.P. 378) (L.D. 1157)

Came from the Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

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Bill "An Act To Reduce the Incidence of Obesity and Chronic Disease in Maine"

(S.P. 383) (L.D. 1162)

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.

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Bill "An Act To Amend the Insurance Laws Governing the Provision of Rebates"

(S.P. 382) (L.D. 1161)

Bill "An Act To Facilitate Small Loans in Maine"

(S.P. 385) (L.D. 1164)

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.

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Bill "An Act To Improve the Lives of Working Families"

(S.P. 376) (L.D. 1155)

Bill "An Act To Support Healthy Workplaces and Healthy Families by Providing Paid Sick Leave to Certain Employees"

(S.P. 380) (L.D. 1159)

Bill "An Act To Amend the Laws Regarding Licensure for Professional Engineers"

(S.P. 386) (L.D. 1165)

Bill "An Act Regarding Anesthesia Care in Rural Maine"

(S.P. 387) (L.D. 1166)

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 Establish a Recall Procedure for Elected Officials"

(S.P. 375) (L.D. 1125)

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.

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Resolve, To Establish the Commission To Study the Phase-out of Subminimum Wage

(S.P. 371) (L.D. 1117)

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

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On motion of Representative CARDONE of Bangor, the House adjourned at 12:17 p.m., until 10:00 a.m., Tuesday, March 28, 2017, pursuant to the Joint Order (S.P. 373) and in honor and lasting tribute to Tara Lou Astbury, of Penobscot; Goldie M. Redman, of Verona Island; Dr. George McKay Lord, Jr., of East Orland; Robert F. McKay, of Penobscot; and the Honorable Edwin H. Pert, of Bath.