

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Nineteenth Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 2, 1998 – May 12, 1999

ONE HUNDRED AND NINETEENTH LEGISLATURE  
FIRST REGULAR SESSION  
14th Legislative Day  
Thursday, February 11, 1999

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

Prayer by Reverend John Paddock, Grace Episcopal Church, Bath.

National Anthem by Brunswick High School Symphonic Band.

Pledge of Allegiance.

Doctor of the day, Rebecca Chagrasulis, M.D., Casco.

At this point, a message came from the Senate, borne by PINGREE of Knox of that Body, proposing a Joint Convention to be held in the Hall of the House at 11:00 o'clock in the morning for the purpose of extending to the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court, an invitation to attend the Joint Convention and to make such communication as pleased him.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 11:00 o'clock in the morning and the Speaker appointed Representative SAXL of Portland to convey this message to the Senate.

The Journal of Tuesday, February 9, 1999 was read and approved.

Subsequently, Representative SAXL of Portland reported that he had delivered the message with which he was charged.

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the Brunswick High School Symphonic Band, which has been selected to represent the State of Maine in the 1999 National Festival of the States in Washington, D.C. It was selected upon recommendations of state music officials, past achievements and current excellent ratings. We extend our congratulations to Band Director Paul Greenstone and the Brunswick High School Symphonic Band on their achievement and wish them success at the festival;

(HLS 62)

Presented by Representative DAVIDSON of Brunswick. Cosponsored by Representative RICHARDSON of Brunswick, Representative SCHNEIDER of Durham, Senator HARRIMAN of Cumberland.

On **OBJECTION** of Representative DAVIDSON of Brunswick, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative **DAVIDSON**: Mr. Speaker, Men and Women of the House. I appreciate your letting me take the time out of the busy schedule of the House today. Mr. Speaker, I just wanted to impress upon members of the House what a big deal this is for our local Brunswick High School band. It is a tremendous honor for them to go down to Washington and an honor for us in the community to have them represent us. The town has literally been a wash with members of the band going around running bottle drives and car washes and other activities to raise money for the trip. On behalf of the entire State of Maine, I wish them the very best. Thank you very much.

**PASSED** and sent for concurrence.

**SENATE PAPERS**

Resolve, Establishing a Task Force to Study the Need for an Agricultural Vitality Zone Program

(S.P. 393) (L.D. 1172)

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 Appropriate \$20,000 from the General Fund to Assist the Salmon Restoration Project on the St. Croix River"

(S.P. 355) (L.D. 1059)

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

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

Bill "An Act to Allow Credit Card Users to Purchase Payment Insurance"

(S.P. 356) (L.D. 1060)

Bill "An Act to Provide Equity in Prescription Insurance for Contraceptive Coverage"

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

Came from the Senate, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

**REFERRED** to the Committee on **BANKING AND INSURANCE** in concurrence.

Bill "An Act to Establish the Early Care and Revolving Loan Program"

(S.P. 362) (L.D. 1066)

Bill "An Act to Amend the Real Estate Brokerage Law"

(S.P. 382) (L.D. 1083)

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

**REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act to Expand the Bottle Law to Include Certain Beverage Containers"

(S.P. 369) (L.D. 1070)

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

On motion of Representative O'NEAL of Limestone, **TABLED** pending **REFERENCE** and later today assigned.

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Bill "An Act to Continue Restorative Justice" (EMERGENCY)

(S.P. 374) (L.D. 1075)

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

**REFERRED** to the Committee on **CRIMINAL JUSTICE** in concurrence.

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Bill "An Act to Clarify the Laws Relating to Nonstate-funded School Construction Projects Approved by the Commissioner of Education that Replace Existing School Buildings"

(S.P. 349) (L.D. 1053)

Bill "An Act to Clarify Conflicts of Interest Regarding Local School Board Members"

(S.P. 352) (L.D. 1056)

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 Increase Fines for Long-term Care Facilities that Fail to Provide Quality Care to Residents"

(S.P. 361) (L.D. 1065)

Bill "An Act to Improve the Accountability of the Maine Children's Trust and to Explicitly Include High-quality Child Care as an Integral Part of its Mission"

(S.P. 390) (L.D. 1169)

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 Assist Disabled Fly-fishing Anglers"

(S.P. 348) (L.D. 1052)

Bill "An Act to Amend the Laws Regarding Antique Snowmobile Registration"

(S.P. 371) (L.D. 1072)

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

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

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Bill "An Act to Provide for Geographic Distribution of Funds for Civil Legal Services"

(S.P. 354) (L.D. 1058)

Bill "An Act to Enact the Uniform Foreign Money-judgments Recognition Act"

(S.P. 380) (L.D. 1081)

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

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

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Bill "An Act to Confine Tribal Gaming to the Reservation of the Licensed Organization"

(S.P. 275) (L.D. 793)

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

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

On motion of Representative TUTTLE of Sanford, the Bill was **REFERRED** to the Committee on **JUDICIARY** in concurrence.

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Bill "An Act Requiring Doctors Giving 2nd Opinions in Workers' Compensation Cases to be Certified"

(S.P. 350) (L.D. 1054)

Bill "An Act to Bring Certain Maine Drug Test Levels into Conformity With Federal Standards"

(S.P. 351) (L.D. 1055)

Bill "An Act Regarding the Retirement Plan for Rangers in the Law Enforcement Bargaining Unit at Baxter State Park"

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

Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals"

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

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

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

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Bill "An Act to Apportion State Lottery Funds to Pay for Quality Early Care and Education"

(S.P. 347) (L.D. 1051)

Bill "An Act to Clarify Municipal Obligations to an Unlicensed Mobile Home Park"

(S.P. 367) (L.D. 1068)

Bill "An Act to Relate the State Liquor Tax to the Amount Transferred to the General Fund"

(S.P. 372) (L.D. 1073)

Bill "An Act to Change the Percent of Gross Sales of Tri-State Lotto That May Be Paid Out As Prizes"

(S.P. 373) (L.D. 1074)

Bill "An Act to Prevent Minors from Acquiring Beer-making or Wine-making Equipment"

(S.P. 376) (L.D. 1077)

Bill "An Act to Extend Term Limits for Elected Officials and Constitutional Officers"

(S.P. 377) (L.D. 1078)

Bill "An Act to Require Legislative Review of Rules Regarding Campaign Report Filing Forms"

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

Bill "An Act to Clarify Landlord Access to Premises in Residential Tenancies"

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

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

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

Bill "An Act to Establish a Framework for Management of Emerging Fisheries"

(S.P. 378) (L.D. 1079)

Bill "An Act to Provide for Management of the Harvest of Seaweed"

(S.P. 392) (L.D. 1171)

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

**REFERRED** to the Committee on **MARINE RESOURCES** in concurrence.

Bill "An Act to Direct State Capital Investments to Locally Designated Growth Areas"

(S.P. 379) (L.D. 1080)

Bill "An Act to Reauthorize and Amend the Diesel-powered Motor Vehicle Emission Opacity Testing Program" (EMERGENCY)

(S.P. 381) (L.D. 1082)

Bill "An Act Concerning the Review of State Solid Waste Management Policies" (EMERGENCY)

(S.P. 391) (L.D. 1170)

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

**REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

Bill "An Act to Reduce the Excise Tax on the Resale of Program Cars in the Same Year"

(S.P. 358) (L.D. 1062)

Bill "An Act to Create Quality Child Care Investment Incentives"

(S.P. 359) (L.D. 1063)

Bill "An Act to Stimulate Job Creation and Investment in Maine by Amending the Income Tax Apportionment Formula"

(S.P. 360) (L.D. 1064)

Bill "An Act to Create Additional Incentives for Landowners to Voluntarily Conserve Land in the State's Conservation Land Program"

(S.P. 368) (L.D. 1069)

Bill "An Act to Establish the Local Option Tax on Liquor, Meals and Lodging"

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

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

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

Bill "An Act to Improve Access to Prescription Drugs for the Elderly"

(S.P. 357) (L.D. 1061)

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

On motion of Representative GAGNON of Waterville, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act Requiring Notification of Violation to Motor Carriers"

(S.P. 370) (L.D. 1071)

Bill "An Act to Simplify the Process of Claiming Abandoned Vehicles"

(S.P. 375) (L.D. 1076)

Bill "An Act to Amend the Laws Concerning Suspension or Revocation of Driver's Licenses for Failure to File a Report"

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

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

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

Resolve, Directing the Public Utilities Commission to Investigate Whether Internet Traffic Should Be Classified as Local or Toll

(S.P. 353) (L.D. 1057)

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

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

**Pursuant to Statute  
Workers' Compensation Board**

Report of the **Workers' Compensation Board** pursuant to the Maine Revised Statutes, Title 39-A, section 152 asks leave to report that the accompanying Bill "An Act to Amend the Workers' Compensation Laws"

(S.P. 364) (L.D. 1067)

Be **REFERRED** to the Committee on **LABOR** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Increase Eligibility for the Elderly Low-cost Drug Program" (EMERGENCY)

(H.P. 618) (L.D. 858)

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in the House on February 2, 1999.

Came from the Senate **REFERRED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

On motion of Representative SHIAH of Bowdoinham, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

**COMMUNICATIONS**

The Following Communication: (H.C. 32)  
**119TH MAINE LEGISLATURE**

January 22, 1999

Daniel E. Wathen, Chief Justice  
Administrative Office of the Courts  
at the Maine Judicial Center  
163 State House Station  
65 Stone Street

Augusta, Maine 04333-0163

Dear Chief Justice Wathen:

We are pleased to invite you to address a Joint Session of the 119th Maine Legislature on Thursday, February 11, 1999, at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Mark W. Lawrence  
President of the Senate  
S/G. Steven Rowe  
Speaker of the House

**READ** and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 33)  
**STATE OF MAINE  
SUPREME JUDICIAL COURT  
JUDICIAL CENTER  
65 STONE STREET  
AUGUSTA, MAINE 04330**

January 29, 1999

Mark W. Lawrence  
President of the Senate  
119th Maine Legislature  
3 State House Station  
Augusta, ME 04333  
G. Steven Rowe  
Speaker of the House  
119th Maine Legislature  
2 State House Station  
Augusta, ME 04333  
Gentlemen:

I am pleased to accept your invitation to address a Joint Session of the 119th Maine Legislature on Thursday, February 11 at 11:00 a.m. I know we all share the desire that the citizens of Maine receive prompt and affordable justice under all circumstances. I appreciate this important opportunity to articulate these needs to the Maine Legislature.

Sincerely yours,

S/Daniel E. Wathen  
Chief Justice

**READ** and **ORDERED PLACED ON FILE**.

The Following Communication: (S.P. 363)  
**119TH MAINE LEGISLATURE**

February 4, 1999

Senator Susan Longley  
Representative Richard Thompson  
Chairpersons  
Joint Standing Committee on Judiciary  
119th Legislature  
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Daniel E. Wathen of Augusta for reappointment as Chief Justice of the Maine Supreme Judicial Court.

Pursuant to Constitution, Article V, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence  
President of the Senate  
S/G. Steven Rowe  
Speaker of the House

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

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

The Following Communication: (S.P. 365)  
**119TH MAINE LEGISLATURE**

February 4, 1999

Senator Susan Longley  
Representative Richard Thompson  
Chairpersons  
Joint Standing Committee on Judiciary  
119th Legislature  
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:

Please be advised that Governor Angus S. King, Jr. has nominated Evan D. Richert of South Portland and Michael M. Hastings of Hampden for reappointment as members to the Maine Indian Tribal-State Commission.

Pursuant to Title 30, M.R.S.A., §6212, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence  
President of the Senate  
S/G. Steven Rowe  
Speaker of the House

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

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

The Following Communication: (S.P. 366)  
**119TH MAINE LEGISLATURE**

February 4, 1999  
Senator Susan Longley  
Representative Richard Thompson  
Chairpersons  
Joint Standing Committee on Judiciary  
119th Legislature  
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:  
Please be advised that Governor Angus S. King, Jr. has nominated James Varner of Old Town and Paul K. Vestal, Jr. of Plymouth for reappointment as members of the Maine Human Rights Commission.

Pursuant to Title 5, M.R.S.A., §4561, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,  
S/Mark W. Lawrence  
President of the Senate  
S/G. Steven Rowe  
Speaker of the House

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

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

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The Following Communication: (S.P. 394)

**119TH MAINE LEGISLATURE**

February 8, 1999  
Senator Sharon Treat  
Representative John Martin  
Chairpersons  
Joint Standing Committee on Natural Resources  
119th Legislature  
Augusta, Maine 04333

Dear Senator Treat and Representative Martin:  
Please be advised that Governor Angus S. King, Jr. has nominated Sarah S. Stockwell of Cumberland for reappointment as a member of the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12, M.R.S.A., §7788, this nomination will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,  
S/Mark W. Lawrence  
President of the Senate  
S/G. Steven Rowe  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **NATURAL RESOURCES**.

**READ** and **REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

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The Following Communication: (S.C. 45)

**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

February 9, 1999  
The Honorable G. Steven Rowe  
Speaker of the House  
119th Legislature  
2 State House Station

Augusta, Maine 04333

Dear Speaker Rowe:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Utilities and Energy, the nomination of Thomas L. Welch of Hancock for reappointment to the Public Utilities Commission.

Thank you for your attention to this matter.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE**.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills and Resolves and RESOLUTION were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for Concurrence:

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**AGRICULTURE, CONSERVATION AND FORESTRY**

Bill "An Act to Amend the Laws Pertaining to Dangerous Dogs"

(H.P. 847) (L.D. 1181)

Presented by Representative THOMPSON of Naples.

Cosponsored by Senator BENNETT of Oxford and Representative: DAVIS of Falmouth.

Bill "An Act to Clarify the Governance of Soil and Water Conservation Districts"

(H.P. 882) (L.D. 1239)

Presented by Representative GOOLEY of Farmington.

Cosponsored by Senator KIEFFER of Aroostook and Representatives: COWGER of Hallowell, HONEY of Boothbay, KASPRZAK of Newport, USHER of Westbrook, Senators: DAVIS of Piscataquis, FERGUSON of Oxford, KILKELLY of Lincoln.

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**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act to Establish the Maine School Technology Fund"

(H.P. 877) (L.D. 1234)

Presented by Representative WINSOR of Norway.

Cosponsored by Senator AMERO of Cumberland and Representatives: BELANGER of Caribou, MURPHY of Kennebec.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Historic Preservation"

(H.P. 881) (L.D. 1238)

Presented by Representative DUNLAP of Old Town.

Cosponsored by Senator CATHCART of Penobscot and Representatives: BERRY of Livermore, BROOKS of Winterport, BRYANT of Dixfield, CAMERON of Rumford, ETNIER of Harpswell, HATCH of Skowhegan, SKOGLUND of St. George, Senator: KILKELLY of Lincoln.

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**BANKING AND INSURANCE**

Bill "An Act Relating to Automobile Rental Supplemental Liability Insurance"

(H.P. 861) (L.D. 1218)

Presented by Representative O'NEIL of Saco.

Bill "An Act to Create a Single-payor System for Universal Health Care"

(H.P. 884) (L.D. 1241)

Presented by Representative TWOMEY of Biddeford.

Cosponsored by Representatives: AHEARNE of Madawaska, DUPLESSIE of Westbrook, POVICH of Ellsworth, SAXL of Portland, SHIAH of Bowdoinham, SOCTOMAH of the Passamaquoddy Tribe, VOLENIK of Brooklin, Senator: RAND of Cumberland.

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### BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Amend the Real Estate Brokerage Laws Regarding Property Disclosure"

(H.P. 842) (L.D. 1176)

Presented by Representative CIANCHETTE of South Portland.

Cosponsored by Senator DAGGETT of Kennebec and Representatives: MARVIN of Cape Elizabeth, NASS of Acton, USHER of Westbrook.

Bill "An Act to Amend the Qualifications of Weighmasters"

(H.P. 848) (L.D. 1182)

Presented by Representative TESSIER of Fairfield.

Cosponsored by Senator PINGREE of Knox and Representatives: COWGER of Hallowell, POWERS of Rockport, TOWNSEND of Portland, Senator: HARRIMAN of Cumberland.

Bill "An Act to Provide for Automated Restrooms"

(H.P. 876) (L.D. 1233)

Presented by Representative POVICH of Ellsworth. (BY REQUEST)

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### CRIMINAL JUSTICE

Bill "An Act to Provide for Resident State Police Officers for Municipalities Without a Police Force"

(H.P. 863) (L.D. 1220)

Presented by Representative CLARK of Millinocket.

Cosponsored by Representatives: CARR of Lincoln, MARTIN of Eagle Lake, STANLEY of Medway, USHER of Westbrook, Senators: DAVIS of Piscataquis, KIEFFER of Aroostook.

Bill "An Act Requiring a Mandatory Jail Sentence for a Person Convicted Twice of Sexual Abuse Against a Minor"

(H.P. 864) (L.D. 1221)

Presented by Representative McNEIL of Rockland.

Cosponsored by Senator AMERO of Cumberland and Representatives: COLLINS of Wells, COWGER of Hallowell, GLYNN of South Portland, MACK of Standish, PLOWMAN of Hampden, SAVAGE of Union, TRAHAN of Waldoboro, Senator: MacKINNON of York.

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### EDUCATION AND CULTURAL AFFAIRS

Bill "An Act Regarding the Eligibility of a Citizen to Serve as a School Board Member"

(H.P. 858) (L.D. 1215)

Presented by Representative MARVIN of Cape Elizabeth. (BY REQUEST)

Bill "An Act to More Equitably Distribute General Purpose Aid to Schools Based on Property Values"

(H.P. 859) (L.D. 1216)

Presented by Representative BELANGER of Caribou.

Cosponsored by Senator KIEFFER of Aroostook and Representatives: CLARK of Millinocket, DUNCAN of Presque Isle, KNEELAND of Easton, SHERMAN of Hodgdon, WESTON of Montville, WHEELER of Bridgewater.

Bill "An Act to Make Courses that Teach English as a 2nd Language Reimbursable by the State"

(H.P. 860) (L.D. 1217)

Presented by Representative BELANGER of Caribou.

Cosponsored by Representatives: BRENNAN of Portland, JOY of Crystal, SIROIS of Caribou, WHEELER of Bridgewater.

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### HEALTH AND HUMAN SERVICES

Bill "An Act to Require Additional Vaccines for Employees of Health Care Facilities"

(H.P. 846) (L.D. 1180)

Presented by Representative FULLER of Manchester.

Cosponsored by Representatives: BROOKS of Winterport, DUGAY of Cherryfield, QUINT of Portland.

Submitted by the Department of Human Services pursuant to Joint Rule 204.

Bill "An Act to Amend the Site Evaluator Licensing Laws"

(H.P. 853) (L.D. 1210)

Presented by Representative COWGER of Hallowell.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: BROOKS of Winterport, GOODWIN of Pembroke, TESSIER of Fairfield, VOLENIK of Brooklin, Senator: KONTOS of Cumberland.

Submitted by the Department of Human Services pursuant to Joint Rule 204.

Bill "An Act to Increase Payments to Foster Parents"

(H.P. 871) (L.D. 1228)

Presented by Representative TESSIER of Fairfield.

Cosponsored by Senator KONTOS of Cumberland and Representatives: BRENNAN of Portland, BROOKS of Winterport, JACOBS of Turner, MAILHOT of Lewiston, McGLOCKLIN of Embden, STEVENS of Orono, TWOMEY of Biddeford, Senator: CATHCART of Penobscot.

Resolve, to Promote Community Mental Health Services

(H.P. 872) (L.D. 1229)

Presented by Representative TESSIER of Fairfield.

Cosponsored by Representatives: BRENNAN of Portland, BROOKS of Winterport, GAGNON of Waterville, HATCH of Skowhegan, KANE of Saco, MITCHELL of Vassalboro, QUINT of Portland, Senator: LONGLEY of Waldo.

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### INLAND FISHERIES AND WILDLIFE

Bill "An Act to Create a 2-year Moratorium on the 'Bucks Only' Restriction Imposed on Deer Hunters"

(H.P. 841) (L.D. 1175)

Presented by Representative KASPRZAK of Newport.



Cosponsored by Representatives: CROSS of Dover-Foxcroft, RICHARDSON of Greenville, Senator: DAVIS of Piscataquis.

Resolve, to Direct the Department of Inland Fisheries and Wildlife to Review Rules for Compliance with the Americans With Disabilities Act

(H.P. 868) (L.D. 1225)

Presented by Representative BERRY of Livermore.

Cosponsored by Representatives: CLARK of Millinocket, DUNLAP of Old Town, TOWNSEND of Portland, Senator: MICHAUD of Penobscot.

Bill "An Act Concerning Ownership of a Rafting Company"

(H.P. 879) (L.D. 1236)

Presented by Representative DUNLAP of Old Town.

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### JUDICIARY

Bill "An Act Regarding the Effective Date of Guardian Ad Litem Training"

(H.P. 856) (L.D. 1213)

Presented by Representative JABAR of Waterville.

Cosponsored by Representative: LaVERDIERE of Wilton.

Bill "An Act to Clarify the Immunity for Charitable Directors, Officers and Volunteers"

(H.P. 866) (L.D. 1223)

Presented by Representative MARVIN of Cape Elizabeth.

Cosponsored by Senator: MILLS of Somerset.

Bill "An Act Allowing Certain Exceptions to Jury Duty"

(H.P. 873) (L.D. 1230)

Presented by Representative CAMERON of Rumford.

Cosponsored by Representatives: BRAGDON of Bangor, BUMPS of China, LEMONT of Kittery, MADORE of Augusta, SAVAGE of Union, Senator: PINGREE of Knox.

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### LABOR

Bill "An Act to Clarify Free-lance Labor in an Employer/Employee Relationship"

(H.P. 875) (L.D. 1232)

Presented by Representative DUNLAP of Old Town.

Cosponsored by Senator CATHCART of Penobscot.

Bill "An Act to Protect the Right of Employees to Freely Decide Whether to Support Labor Organizations"

(H.P. 880) (L.D. 1237)

Presented by Representative WINSOR of Norway.

Cosponsored by Senator KIEFFER of Aroostook and Representatives: MARVIN of Cape Elizabeth, TRIPP of Topsham.

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### LEGAL AND VETERANS AFFAIRS

Bill "An Act to Permit Wine to be Ordered through the Mail"

(H.P. 854) (L.D. 1211)

Presented by Representative STEVENS of Orono.

Cosponsored by Representative PEAVEY of Woolwich, Senator CATHCART of Penobscot and Representatives: DAVIDSON of Brunswick, MAYO of Bath, WINSOR of Norway, Senators: GOLDTHWAIT of Hancock, HARRIMAN of Cumberland.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Number of Signatures Required on Direct Initiative Petitions

(H.P. 878) (L.D. 1235)

Presented by Representative DUNLAP of Old Town.

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Bill "An Act to Increase Harness Racing Opportunities"

(H.P. 849) (L.D. 1183)

Presented by Representative TESSIER of Fairfield.

Committee on **LEGAL AND VETERANS AFFAIRS** suggested.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **REFERENCE** and later today assigned.

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### MARINE RESOURCES

Bill "An Act Regarding Elver Fishing"

(H.P. 839) (L.D. 1173)

Presented by Representative PERKINS of Penobscot.

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### NATURAL RESOURCES

Bill "An Act Regarding Property Owners Whose Land Abuts a Solid or Special Waste Landfill"

(H.P. 852) (L.D. 1209)

Presented by Representative TRACY of Rome.

Cosponsored by Representatives: BULL of Freeport, DUPLESSIE of Westbrook, McKEE of Wayne, SHIAH of Bowdoinham.

Resolve, to Replace Reformulated Gasoline and Require an Alternative Reid Vapor Pressure/Low-sulfur Substitute for the State

(H.P. 855) (L.D. 1212)

Presented by Representative TRIPP of Topsham.

Cosponsored by Senator LIBBY of York and Representatives: CHIZMAR of Lisbon, FULLER of Manchester, O'NEAL of Limestone, SAVAGE of Union.

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Resolve, to Establish the Renewable Energy Policy Commission

(H.P. 851) (L.D. 1185)

Presented by Representative O'NEIL of Saco.

Committee on **NATURAL RESOURCES** suggested.

On motion of Representative COWGER of Hallowell, **TABLED** pending **REFERENCE** and later today assigned.

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### STATE AND LOCAL GOVERNMENT

Bill "An Act Concerning Public Postings by Political Parties"

(H.P. 844) (L.D. 1178)

Presented by Representative GLYNN of South Portland. (BY REQUEST)

Bill "An Act to Change the Budget Approval Procedures for Somerset County"

(H.P. 865) (L.D. 1222)

Presented by Representative TESSIER of Fairfield.

Cosponsored by Senator RAND of Cumberland and Representatives: HATCH of Skowhegan, McGLOCKLIN of Embden, TRACY of Rome.

Resolve, Regarding State Mandates Imposed Before Approval of the Constitutional Amendment Governing State Mandates

(H.P. 870) (L.D. 1227)

Presented by Representative PERKINS of Penobscot.

Cosponsored by Representatives: BUCK of Yarmouth, GOOLEY of Farmington, SNOWE-MELLO of Poland, TOBIN of Windham, TRUE of Fryeburg, WHEELER of Bridgewater.

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### TAXATION

Bill "An Act to Revise the Business Equipment Property Tax Reimbursement Program"

(H.P. 840) (L.D. 1174)

Presented by Representative TRIPP of Topsham.

Cosponsored by Representatives: CLARK of Millinocket, ETNIER of Harpswell, GOOLEY of Farmington, O'NEAL of Limestone, WHEELER of Bridgewater.

Bill "An Act to Amend the Property Tax Exemption for Hospitals"

(H.P. 843) (L.D. 1177)

Presented by Representative DUDLEY of Portland.

Cosponsored by Senator MILLS of Somerset and Representatives: COLWELL of Gardiner, JABAR of Waterville, MAILHOT of Lewiston, RICHARDSON of Brunswick, SAXL of Bangor, SULLIVAN of Biddeford, Senator: DAGGETT of Kennebec.

Bill "An Act to Allow the Town of Cornville to Receive its 1997 Tree Growth Tax Reimbursement"

(H.P. 867) (L.D. 1224)

Presented by Representative STEDMAN of Hartland.

Cosponsored by Senator MILLS of Somerset.

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### TRANSPORTATION

Bill "An Act to Amend Weight Requirement Inequalities Between Hauling Wood Products and Hauling Other Products"

(H.P. 845) (L.D. 1179)

Presented by Representative KASPRZAK of Newport. (BY REQUEST)

Bill "An Act to Amend the Inspection Process for Motor Vehicles That Fail Inspection"

(H.P. 850) (L.D. 1184)

Presented by Representative McKENNEY of Cumberland.

Cosponsored by Representatives: CARR of Lincoln, CLOUGH of Scarborough, DAIGLE of Arundel, USHER of Westbrook.

Bill "An Act to Amend the Seat Belt Law Regarding the Enforcement of Penalties"

(H.P. 869) (L.D. 1226)

Presented by Representative PERKINS of Penobscot.

Cosponsored by Senator CASSIDY of Washington and Representatives: BERRY of Livermore, CLARK of Millinocket, CROSS of Dover-Foxcroft, DUNLAP of Old Town, GAGNE of Buckfield, TRAHAN of Waldoboro, USHER of Westbrook, WHEELER of Bridgewater.

Bill "An Act to Allow Special-use Access over Discontinued Municipal and County Roads"

(H.P. 874) (L.D. 1231)

Presented by Representative GOOLEY of Farmington.

Cosponsored by Senator KIEFFER of Aroostook and Representatives: FOSTER of Gray, HONEY of Boothbay, KASPRZAK of Newport, USHER of Westbrook, Senators: FERGUSON of Oxford, KILKELLY of Lincoln.

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### UTILITIES AND ENERGY

Bill "An Act Authorizing the Release of Information to a Competitive Electricity Provider"

(H.P. 857) (L.D. 1214)

Presented by Representative BERRY of Belmont.

Cosponsored by Senator CAREY of Kennebec and Representatives: BOWLES of Sanford, FOSTER of Gray, JOY of Crystal, LINDAHL of Northport, MacDOUGALL of North Berwick, TRUE of Fryeburg, Senator: MITCHELL of Penobscot.

Bill "An Act to Amend the Charter of the Mt. Blue Standard Water District"

(H.P. 862) (L.D. 1219)

Presented by Representative LaVERDIERE of Wilton.

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### Pursuant to Statute

#### Department of Conservation

Representative PIEH for the **Department of Conservation** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 20: Forest Regeneration and Clearcutting Standards, a Major Substantive Rule of the Department of Conservation (EMERGENCY)

(H.P. 883) (L.D. 1240)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

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At this point, the Senate came and a Joint Convention was formed.

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### IN CONVENTION

The President of the Senate, the Honorable Mark W. Lawrence, in the Chair.

The Convention was called to order by the Chair.

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On a motion by Senator Rand of Cumberland, it was **ORDERED**, that a committee be appointed to wait upon the Honorable Angus S. King, Jr., and extend an invitation to

him to attend this convention which has been assembled for the purpose of receiving a communication from the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court

The Order was Read and Passed.

The Chair will appoint the following:

The Sen. from Cumberland, Sen. PENDLETON

The Sen. from Hancock, Sen. GOLDTHWAIT

The Sen. from Piscataquis, Sen. DAVIS

The Rep. from Madawaska, Rep. AHEARNE

The Rep. from Machias, Rep. BAGLEY

The Rep. from Wiscasset, Rep. RINES

The Rep. from Portland, Rep. MCDONOUGH

The Rep. from Biddeford, Rep. TWOMEY

The Rep. from China, Rep. BUMPS

The Rep. from Newport, Rep. KASPRZAK

The Rep. from Bethel, Rep. JODREY

The Rep. from Greenville, Rep. RICHARDSON

The Rep. from Auburn, Rep. GERRY.

The Rep. from the Passamaquoddy Tribe, Rep.

SOCTOMAH

Subsequently, Senator Pendleton of Cumberland, for the Committee, reported that the Committee had delivered the message with we were charged and are pleased to report that the Governor will attend forthwith.

The Chair is pleased to welcome the Honorable Angus S. King, Jr., Governor of the State of Maine.

On a motion of Senator Pingree of Knox, it was ORDERED, that a committee be appointed to wait upon the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court, the Associate Justices of the Supreme Judicial Court and members of the Judiciary and inform them that the two branches of the Legislature are in convention assembled, ready to receive such communication as pleases him

The Order was Read and Passed.

The Chair will appoint the following:

The Sen. from Waldo, Sen. LONGLEY

The Sen. from Franklin, Sen. BENOIT

The Rep. from Naples, Rep. THOMPSON

The Rep. from Freeport, Rep. BULL

The Rep. from Wilton, Rep. LAVERDIERE

The Rep. from Turner, Rep. JACOBS

The Rep. from Vassalboro, Rep. MITCHELL

The Rep. from Portland, Rep. NORBERT

The Rep. from Hampden, Rep. PLOWMAN

The Rep. from Augusta, Rep. MADORE

The Rep. from Bridgton, Rep. WATERHOUSE

The Rep. from Durham, Rep. SCHNEIDER

The Rep. from the Penobscot Nation, Rep. LORING

Subsequently, Senator Longley from Waldo, for the Committee, reported that the Committee had delivered the message with which it was charged and were pleased to report that Chief Justice Daniel E. Wathen and the Honorable members of the Judiciary will attend forthwith.

The Chair is pleased to present to you the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court and the Associate Justices of the Maine Supreme Judicial Court,

the Chief Justice of the Maine Superior Court, the Chief Judge of the District Court and the Senior Judge of the District Court.

The Chair recognized on the floor of the House the Honorable Robert W. Clifford, Associate Justice of the Maine Supreme Judicial Court; the Honorable Paul L. Rudman, Associate Justice of the Maine Supreme Judicial Court; the Honorable Howard H. Dana, Jr., Associate Justice of the Maine Supreme Judicial Court; the Honorable Leigh I. Saufley, Associate Justice of the Maine Supreme Judicial Court; the Honorable Donald G. Alexander, Associate Justice of the Maine Supreme Judicial Court; the Honorable Margaret J. Kravchuk, Chief Justice of the Maine Superior Court; the Honorable Michael N. Westcott, Chief Judge of the Maine District Court; the Honorable Courtland D. Perry II, Senior Judge of the Maine District Court; Sharon Burns, Clerk of the Augusta District Court; Melanie Adams, Clerk of the Skowhegan District Court.

The Chair recognized in the House Gallery, Mrs. Judy Wathen, wife of the Honorable Daniel E. Wathen, Chief Justice of the Maine Supreme Judicial Court; Wilda Wathen, Mother of Chief Justice; James T. Glessner, State Court Administrator.

The Chair is pleased to present to you the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court.

Chief Justice Wathen then addressed the Convention.

Mr. President, Mr. Speaker, Governor King, Members of Maine's 119th Legislature, and fellow Mainers.

Once again, it is my privilege to report on the state of the third branch of Maine's government. The Judiciary, the least powerful of the three branches, is vital nonetheless in terms of upholding the rule of law and protecting our rights as people. As Chief Justice, I have no higher duty than to attempt to voice the unmet need for justice in Maine.

When I first addressed this Legislature six years ago, I was advised to be direct, anecdotal, humorous and brief. Three out of four isn't bad. I am still working on the last one. It is tough for a Chief Justice to be brief. You are all acquainted with lawyers, but perhaps you don't know the difference between a lawyer and a Chief Justice. If you will permit me, there is a little story that illustrates that quite well. There was a guy down around Merrymeeting Bay who made his living renting hunting dogs. Some sportsmen came in from Massachusetts and they asked, how much do you get for this dog? He said, that is \$5 a day. How about this one? That is \$15. How about this one? He said \$125 an hour. He said, why so much? It is my best dog. Old Lawyer, you take him out in one hour he will cover the field and you will have your limit and be back. They took him, he did and they were very happy they had their limit. They came back the next year, of course, anxious, but not willing to go in and surrender to the old yankees so they went through the routine. How much for this dog? That is \$5 and how much for this one? That one is \$15. They got to old lawyer and they said how much for that one? They said, \$5 a day. They said, what happened? That is old lawyer. It is a terrible thing. Some folks came up here and called him Chief Justice and now all he will do is sit on his tail and bark.

Each year, on this occasion, I report on our accomplishments, and I present a modest list of needs -- those that are absolutely crucial, well within the realm of possibilities,

and consistent with our incremental approach to modernizing Maine's courts.

If I were forced to be brief today, I would reach a little higher and urge you to provide the legal protection and court services that the folks of Maine deserve. A truly first class court system, providing prompt and affordable justice for all, is well within our means, and yet, we fund court services grudgingly, and unintentionally we ration justice. Despite your hard work in these halls, too many folks still fail to receive the legal protection they require.

Our budget remains one-third under the national average. If we added the twelve to fifteen million dollars that it would take to bring us even with the average for the rest of the country, expenditures for the third branch would still be less than 2.2% of our total state budget. If you chose to, this year you could fund a court system fully equal to the challenges we face.

Excellence in education, a strong economy, and a healthy environment and lower taxes will elude us unless, at the same time, we protect our citizens and enforce the laws you enact. Prompt and affordable justice for every person in Maine from Kittery to Fort Kent, from Calais to Oquossoc, is not a distant hope, it is a vital daily reality and a necessity.

That is my short speech. But just in case the money cannot be found, I am going to continue on, sacrificing brevity, to highlight our joint accomplishments and advance a more modest list of truly crucial needs for your consideration.

What have we achieved working together in the last seven years?

First, we survived and recovered from being the hardest hit court system in the nation. It is painful to recall that six and seven years ago we relied on judicial vacancies, staff cuts, court closings, and unpaid bills to balance the court's budget.

At the same time, we have reorganized the management system of the courts. You may recall that there had been several studies calling for reorganization. It has taken a lot of work by Ted Glessner and others, but we have succeeded. The role of the state court administrator as chief operating officer of the courts has been elevated, while at the same time the size of the small administrative staff has been further reduced. We have achieved a degree of clarity, openness, responsiveness, teamwork, and a capacity for long range planning and change that was previously lacking.

This year the National Council of State Governments featured the Maine Judicial Branch's Participatory Management Program as one of one hundred and twenty-five innovative programs from around the nation worthy of note in its publication "Managing for success -- a profile of state government for the 21st century." This recognition illustrates just how far we have advanced in seven years.

I believe that we have also improved the lines of communication and formed a closer working relationship with the public and the rest of state government than we enjoyed in the past. With those changes came a new focus on family law, domestic violence, child abuse and neglect, and that we are now ready to bring a similar focus to juvenile crime and substance abuse. In these difficult areas, we have learned the critical importance of judicial time and attention, and the need for coordinating our efforts with the community, that reservoir of informal social control.

Courts now have computers. We have a sound technology plan, a very modest budget, and we are on schedule in installing an information system that will take us into the next century.

We have dedicated five new modern courthouses and have plans in place for Springvale and Lewiston and Rockland on the drawing board. As a result of a generous private gift, the state now has a judicial center here in Augusta that we use for training and technology. Equally important, that center provides us with a presence in Maine's capital.

This past year, with your support, we implemented a highly successful family division within the district court. It serves all Maine citizens well, but particularly those who cannot afford to be represented. From last July until the end of the year, the division held more than 6,000 hearings and conferences throughout Maine to assist families in protecting children from parental conflict during divorce. Make no mistake about it, we are now preventing, or at least shortening, the downward spiral of rancor and hatred that can rip families apart after they come to court. The family division as one of our most significant accomplishments.

I could go on and talk about training and education programs and the improved compensation plans for both judges and court staff, the civil legal services fund, the implementation of the gender bias study, innovations in alternative dispute resolution, the increasing importance of the violations bureau and many other developments. But suffice it to say, Maine courts have not shied away from change, and together, the three branches of government have been busy.

But our accomplishments dim quickly in light of the challenges and responsibilities we face. About a month ago, I asked folks in the court system to give me their thoughts for this address. This response from a clerk is typical: "I know you have heard this many times, but the greatest thing we need is more help."

The folks who are here with me today bring the same message. They bear witness to the needs of Maine people for prompt and affordable justice. Sharon Burns, Clerk of the Augusta District Court, and Melanie Adams, Clerk of the Skowhegan District Court, represent the folks who work in the clerk's offices in all fifty of our court locations. Judge Courtland Perry, with the recent passing of Justice David Roberts is now Maine's most senior active judge, with more than 22 years experience in the Augusta District Court, is a shining example of the forty-five judges who sit behind the trial bench. Court Perry, beyond that, is truly an example for all who would seek to serve the public. We are indebted.

Our message to Maine is simple -- we need more clerks and more judges in order to give people the time and attention their cases deserve. I hope to have the opportunity to discuss Part II budget requests with your Judiciary and Appropriations Committees in about a week. We have requested thirty additional clerks and four additional judges for the district court. Our need for clerks is so acute that I must emphasize -- if we do not get the extra clerks, we can't use the additional judges.

I know some of you are beginning to wonder: If you need that many people, Dan, what is wrong with you? Perhaps you need to do a better job. Why is it that other states do more with less? The answer is, they don't. There was an article in the KJ in November that was old news for us.

Census data confirms that the number of people working in Maine's courts as a percentage of population is significantly below the national average and less than one-half of the New England average. On average, in New England there are ten people working in the court system for every 10,000 of population. Here in Maine, we have only 4.6. We do our best, but when you step up to Melanie's counter, or approach Judge

Perry's bench and ask for help, we cannot escape the fact that there are less than half as many of us there to help you as there should be.

This is not a disparity that we share with the rest of Maine government. In fact, in most of our government offices, the average number of state employees equals the average for New England. I invited these clerks here today to emphasize the point that they are doing everything possible to keep up and they are falling behind. Sharon Burns and others like her are working days, nights, and weekends and that is not an exaggeration. We were modifying her computer last Saturday while it was down. When they started at 6:30 in the morning, they discovered somebody had already logged on. It was Sharon Burns, 6:30 Saturday morning. She didn't know that I knew that. Visit her office, its right here on the rotary, and I am sure you will agree they need and deserve help.

Adding thirty clerks for our fifty court locations would raise our average from 4.6 employees per 10,000 of Population to 5, just barely half the New England average. The total cost, approximately \$700,000, is modest. With respect to the additional judges, the four that we are asking for, there is a reasonable prospect that a significant part of the funds could come from the federal juvenile justice accountability block grant that the Department of Corrections has already received. We realize that money is tight, and we are ready to work with you, but we have to have more help.

Why do we need more help and what will it permit us to do? What difference will it make if you give it to us. As I have told you in the past, the areas of greatest concern in our current operation relate to the protection of children from abuse and neglect and juvenile justice. In other words, we are failing those who are most vulnerable -- our children.

Laws you enacted last session, in combination with Federal law, requires the district court to cut the time that any child will spend in legal limbo and foster care from three or four years to less than eighteen months. Those of you who understand something about early childhood development, know that we are finally doing something right. You know how important those two and a half wasted years are.

Our task is simple and yet daunting, as the number of child protection cases escalates everyday, (13% increase last year, 50% increase in last five years). Just yesterday the supreme court had handled eight appeals and four of them were termination of parental rights cases. We must continue to process the cases fairly and sensitively and do so in half the time. To achieve that result, we are implementing a case management system and will conduct a review of each child's placement at least once every six months.

It is nothing more than increased time and attention, but with 3,000 children in state custody, judicial review of placement alone involves 6,000 new hearings a year for Maine's twenty-nine district court judges -- that is one additional hearing a day, five days a week, for every judge. These are not perfunctory hearings. If the state held your children and your family in its hands, you would expect the full attention of the clerks and the judges. Those we delay, we see again and we will continue to see again as problems in school, problems in court, people at the Youth Center, problems in the community, AMHI and Thomaston. Everyone, including the general fund, particularly the children, will benefit from the improvements you have mandated. We will fail without additional clerks and judges.

We can no longer tolerate chronic delay in dealing with juvenile crime. In many areas of our state, 180 days (one-half

year) will pass from the time a juvenile is apprehended by the police until the juvenile's first appearance in court. That initial appearance before a judge represents the first and best chance to determine whether the juvenile is in need of counseling, substance abuse treatment, a curfew or some other intervention. Can they be turned around? The message sent by the failure of the legal process to respond to a juvenile's acts in a time period measured in accordance with children's sense of time is that the system does not care. Regrettably, the same message is received by the victims of juvenile crime.

In a York County District Court pilot project, Judge Jon Levy has demonstrated that given sufficient time and attention from the judge and clerk, the juvenile can be brought to court for an initial appearance in less than fifty days and most cases can be finally resolved in compliance with the national standard of 80 to 90 days. Our response to juvenile crime in particular must be swift -- certainty and consistency are more important than an unfulfilled threat of severity.

Don't misunderstand me and think that with four additional judges and thirty clerks our problems will disappear. These are minimal requests that will permit us to provide prompt justice for our children, but we also have to continue to expand our overall capacity through the use of technology, alternative dispute resolution, volunteers, including that very special group of lay volunteers who represent children in court proceedings through the Casa Program.

In a nutshell, I have just described the package of requests that we will present to your Appropriations Committee next week. There is, however, one additional related item that we can no longer neglect. As the gap in income distribution widens, you know that our overall income is going up, but we are not sharing it equally. Robert Wright, the former Secretary of Labor, explained it this way, between he and Shaqille O'Neal on average, they are six feet tall, but he is only four foot nine or something like that. That is what is happening to us on income distribution. As more people come to us that cannot afford legal representation, our constitution provides that if they are without funds and threatened with the prospect of losing their children because of allegations of abuse or neglect, or if they are threatened with the loss of their freedom because of their mental health or criminal charges, our constitution wisely requires that the state provide adequate legal representation.

Next to personnel, the largest expense in the courts' budget is legal services for the indigent. We tend to think of this expense as court appointed counsel for criminal defendants. It includes that, but child protection cases are also included and they account for all of the increased expenditures in recent years. As expenditures for criminal defense trended downward, expenditures in child protection proceedings have increased 283% in the last ten years, 108% in the last five. Legal representation for parents and abused children now account for 57% of the total legal services expenditure in the district court.

Maine lawyers do a commendable job in providing quality representation to the indigent. The hourly rate of compensation, however, has not been examined since 1986 and does not equal the current cost of overhead. Two years ago, the supreme court appointed a committee to review the adequacy of the hourly rate and we have now received a report demonstrating that, at a minimum, the hourly rate needs to be increased by one-third -- from \$40 per hour to \$60 per hour. Let me say that this committee included public members such as Shep Lee, a respected member of Maine's business community.

Let me state my view, unequivocally. This is a big item, but the existing system of appointing private attorneys is the most inexpensive and yet effective method for the state to discharge its constitutional responsibilities.

Our current rates are among the lowest in the nation and even when you fund the requested rate increase, our expenditures on a per capita basis will remain well below, about half, the national average.

Well, that is my long speech. I should talk about improved jury management, challenges in the superior court, court access for people with disabilities, TTY lines, county-owned courthouses, temporary employees, and public trust and confidence. We are also at work on these challenges and many more, but today, Maine courts need more clerks, a few more judges, a little bit of technology and a lot of help from you and the communities we serve.

Two years ago, this very day, I set forth a vision of where the courts of Maine should be in five years, by 2002. At that time, I predicted that "with your help and a modest investment that is well within our means, the five years leading to 2002 are going to represent the most fruitful period of court improvement in the 180 year history of the State of Maine." I looked at that vision again the other day, and I will provide you with a copy of it so you can check up on me, but we are right on target. The five year picture is filling in. Prompt and affordable justice for all is coming to Maine.

As we approach that rising sun of a new millennium described so well by Governor King in his inaugural address, let us remember the words of Dr. Martin Luther King who, quoting the prophet Amos, said: "Now is the time to let justice roll down like water and righteousness like a mighty stream."

Thank you.

At the conclusion of the address, the Chief Justice withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled, having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its Chamber.

(After the joint Convention)

The House was called to order by the Speaker.

**REPORTS OF COMMITTEE**

**Change of Committee**

Report of the Committee on **NATURAL RESOURCES** on Bill "An Act to Allow a Person to Erect One Advertising Sign" (S.P. 126) (L.D. 323)

Reporting that it be **REFERRED** to the Committee on **TRANSPORTATION**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

**Divided Report**

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act to Require Criehaven Lobster Fishing Boats to Have Propeller Cages" (EMERGENCY)

(S.P. 99) (L.D. 238)

Signed:  
Senators:

GOLDTHWAIT of Hancock  
PENDLETON of Cumberland  
MacKINNON of York

Representatives:

ETNIER of Harpswell  
HONEY of Boothbay  
LEMONT of Kittery  
McNEIL of Rockland  
BAGLEY of Machias  
PINKHAM of Lamoine  
STANWOOD of Southwest Harbor  
USHER of Westbrook  
VOLENIK of Brooklin

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:  
Representative:

PIEH of Bremen

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

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Prohibit Public Broadcasting Stations from Auctioning Alcoholic Beverages"

(H.P. 116) (L.D. 147)

Signed:  
Senators:

DAGGETT of Kennebec  
CAREY of Kennebec  
FERGUSON of Oxford

Representatives:

TUTTLE of Sanford  
CHIZMAR of Lisbon  
LABRECQUE of Gorham  
PERKINS of Penobscot  
FISHER of Brewer

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:  
Representatives:

MAYO of Bath  
HEIDRICH of Oxford  
McKENNEY of Cumberland

GAGNE of Buckfield

**READ.**

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 13) (L.D. 2) Bill "An Act to Clarify the Application of Insurance Fraud Prevention Laws" (EMERGENCY) Committee on **BANKING AND INSURANCE** reporting **Ought to Pass**

(H.P. 46) (L.D. 60) Bill "An Act to Permit the Sale of Moose Bones" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(S.P. 46) (L.D. 117) Bill "An Act to Amend Maine's Insurance Laws Regarding Gifts and Rebates" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass**

(S.P. 55) (L.D. 125) Bill "An Act to Lower the Age of Consent for the Donation of Blood" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

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

(H.P. 431) (L.D. 573) Bill "An Act Relating to the Construction of a Locally Funded Arts and Technology Center in Maine School Administrative District No. 49" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

On motion of Representative BRENNAN of Portland, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE** and was assigned for **SECOND READING** on Tuesday, February 16, 1999.

**CONSENT CALENDAR**

**Second Day**

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

(H.P. 125) (L.D. 156) Bill "An Act to Amend the Laws Regarding the Maine Jobs Council"

(S.P. 97) (L.D. 236) Resolve, to Name the Bridge Between Bath and Woolwich the Sagadahoc Bridge

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

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, February 9, 1999, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Use Funds From the Sale of Utility Company Properties to Help Offset Ice Storm 1998 Expenses"

(S.P. 325) (L.D. 979)

- In Senate, **REFERRED** to the Committee on **TAXATION**. **TABLED** - February 9, 1999 (Till Later Today) by Representative GAGNON of Waterville.

**PENDING - REFERENCE** in concurrence.

On motion of Representative GAGNON of Waterville, the Bill was **REFERRED** to the Committee on **UTILITIES AND ENERGY** in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act to Amend the Maine Governmental Facilities Authority"

(H.P. 781) (L.D. 1104)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested)

**TABLED** - February 9, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

**PENDING - REFERENCE**.

On motion of Representative AHEARNE of Madawaska, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act to Amend the Laws Authorizing the Renovation of the State Capitol Building and Other State Buildings"

(H.P. 823) (L.D. 1146)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested)

**TABLED** - February 9, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

**PENDING - REFERENCE**.

On motion of Representative AHEARNE of Madawaska, **TABLED** pending **REFERENCE** and later today assigned.

**JOINT ORDER** - Relative to establishing the Joint Select Committee on the Year 2000 Computer Problem

(S.P. 190)

- In Senate, **READ** and **PASSED**.

**TABLED** - February 9, 1999 (Till Later Today) by Representative SAXL of Portland.

**PENDING - PASSAGE**.

On motion of Representative SAXL of Portland, **TABLED** pending **PASSAGE** and later today assigned.

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

**SENATE PAPERS**

The following Joint Order: (S.P. 402)

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 16, 1999, at 3 o'clock in the afternoon.

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

**READ** and **PASSED** in concurrence.

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

On motion of Representative CLARK of Millinocket, the House adjourned at 12:10 p.m., until 3:00 p.m., Tuesday, February 16, 1999 pursuant to the Joint Order (S.P. 402) in honor and lasting tribute to Edward Clark, of Millinocket.