

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

May 13, 1999 – June 19, 1999

**Second Regular Session**

January 5, 2000 – March 22, 2000

ONE HUNDRED AND NINETEENTH LEGISLATURE  
SECOND REGULAR SESSION  
5th Legislative Day  
Tuesday, February 15, 2000

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

Prayer by the Reverend Robert Crosthwaite, Faith Community Fellowship, Ellsworth.

Pledge of Allegiance.

Doctor of the day, Mark Bolduc, M.D., Waterville.

The Journal of Tuesday, February 8, 2000 was read and approved.

**COMMUNICATIONS**

The Following Communication: (H.C. 311)

**119TH MAINE LEGISLATURE**

January 12, 2000

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

Augusta ME 04333-0163

Dear Chief Justice Wathen:

We are pleased to invite you to address a Joint Session of the 119th Maine Legislature on Tuesday, February 15, 2000 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. 312)

**STATE OF MAINE  
SUPREME JUDICIAL COURT  
AUGUSTA, MAINE 04330**

January 19, 2000

Mark W. Lawrence  
President of the Senate  
3 S.H.S.

Augusta, ME 04333

G. Steven Rowe

Speaker of the House

2 S.H.S.

Augusta, ME 04333

Dear President Lawrence and Speaker Rowe:

I am pleased to accept your invitation to address a joint session of the Maine Legislature. I appreciate your willingness to allow me to report to the people of Maine and their representatives on the cause of justice and the daily operation of the courts. I look forward to seeing you on the 15th.

Sincerely yours,

S/Daniel E. Wathen

Chief Justice

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 313)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

February 10, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 855 An Act to Improve the Management of the Allagash Wilderness Waterway

L.D. 1475 An Act to Clarify the Tree Growth Tax Law

L.D. 1674 An Act to Exempt from Certain Regulations Crabmeat That Does Not Cross State Lines

L.D. 2435 An Act to Implement the State Policy to Minimize Reliance on Pesticides

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John M. Nutting

Senate Chair

S/Rep. Wendy Pieh

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 314)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON BANKING AND INSURANCE**

February 1, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2058 An Act Relative to Insurance Compliance Self-audit

L.D. 2423 An Act to Allow Privately Acquired Catastrophic Insurance Coverage to Supplement the Cub Care Program

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Jane W. Saxl

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 315)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON BUSINESS AND ECONOMIC  
DEVELOPMENT**

February 1, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 526      Resolve, Creating the Commission to Study Economic Development Opportunities for Lewiston and Auburn
- L.D. 1094     An Act to Promote Economic Development in Northern Maine
- L.D. 1895     An Act to Establish Enterprise Zones to Fund Businesses in Areas of High Unemployment
- L.D. 1910     An Act to Promote Economic Development in Central Maine
- L.D. 1917     An Act to Encourage Growth and Development in Cumberland County
- L.D. 1919     An Act to Promote Economic Development in Eastern Maine
- L.D. 1962     An Act to Establish the State Revolving Loan Fund for Small Business Initiatives
- L.D. 2115     An Act to Promote Economic Development in Western Maine
- L.D. 2217     An Act to Promote Economic Development in Androscoggin County

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Carol A. Kontos

Senate Chair

S/Rep. Gary O'Neal

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 316)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 3, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has

voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 256      An Act to Enhance the Health of Maine Citizens by Improving Community Health Programs
- L.D. 1952     An Act to Simplify the Process of Determining the Eligibility of Homeless Persons for General Assistance
- L.D. 2119     An Act to Enhance Competition and Public Health

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis

Senate Chair

S/Rep. Thomas J. Kane

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 317)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 10, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 126      An Act to Expand Maine's Moose Hunt
- L.D. 371      An Act to Allow A Disabled Person to Use a Crossbow during Archery Hunting Season
- L.D. 846      An Act to Allow Elderly License Holders and Children to Fish by Any Method
- L.D. 1026     An Act to Allow Crossbow Use During Archery Season by a Person who has Lost the Use of a Hand
- L.D. 1338     An Act to Provide a Free Hunting License to a Person Who Has Lost the Use of One Arm
- L.D. 1390     An Act to Expand Hunting Options for Disabled Military Veterans
- L.D. 1435     An Act to Promote Equitable and Professional Management of Moose
- L.D. 1830     An Act to Provide Complimentary Hunting and Fishing Licenses to Persons on Active Military Duty and Low-cost Licenses to Their Families
- L.D. 1904     Resolve, to Study Issues Related to the Muzzle-loading Season

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Marge L. Kilkelly

Senate Chair

S/Rep. Matthew Dunlap

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 318)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY**

February 3, 2000

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1303 An Act to Amend the Statute of Limitations for Medical Malpractice  
L.D. 1471 An Act to Amend the Laws Governing Wrongful Death  
L.D. 1603 An Act to Amend the Wrongful Death Laws  
L.D. 1771 An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions  
L.D. 2121 An Act Regarding Regulations and Compensation to Property Owners

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Susan W. Longley

Senate Chair

S/Rep. Richard H. Thompson

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 319)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON LABOR**

February 10, 2000

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1246 An Act to Protect the Rights of Judicial Employees  
L.D. 1767 An Act to Allow Recovery of Provisional Payments by Employee Benefit Plans  
L.D. 2076 An Act to Move the Monitoring, Auditing and Enforcement of Workers' Compensation Payments to the Bureau of Insurance

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Neria R. Douglass

Senate Chair

S/Rep. Pamela H. Hatch

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 320)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON TAXATION**

February 1, 2000

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 2207 An Act to Eliminate the Personal Property Tax and Make Other Changes in the Tax Laws

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Richard P. Ruhlin

Senate Chair

S/Rep. Kenneth T. Gagnon

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 321)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

February 1, 2000

Honorable Mark W. Lawrence, President of the Senate  
Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 2265 An Act to Allow a Person with a Disability to Ride in Vehicles Being Towed  
L.D. 2338 An Act to Clarify the Crosswalk Law

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. William B. O'Gara

Senate Chair

S/Rep. Joseph M. Jabar, Sr.

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 478)

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

February 8, 2000

The Honorable G. Steven Rowe  
Speaker of the House  
119th Maine 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 the following nominations:

Upon the recommendation of the Joint Standing Committee on Business and Economic Development, the nomination of Charles J. Spies III of Topsham for appointment as the Chief Executive Officer of the Finance Authority of Maine.

Upon the recommendation of the Joint Standing Committee on Judiciary, the nomination of Alan P. Brigham of Windham for reappointment to the Maine Indian Tribal-State 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 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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**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act to Make Supplemental Allocations from the Fund for a Healthy Maine and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001" (EMERGENCY)

(H.P. 1823) (L.D. 2555)

Presented by Representative MURPHY of Kennebunk. (GOVERNOR'S BILL)

Cosponsored by Representatives: DUGAY of Cherryfield, LaVERDIERE of Wilton, McNEIL of Rockland, O'BRIEN of Augusta, Senators: BERUBE of Androscoggin, DAVIS of Piscataquis, GOLDTHWAIT of Hancock, MICHAUD of Penobscot.

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**BUSINESS AND ECONOMIC DEVELOPMENT**

Bill "An Act to Amend the Acreage Requirements for a Cemetery to Contain a Columbarium"

(H.P. 1825) (L.D. 2560)

Presented by Representative SULLIVAN of Biddeford.

Cosponsored by Senator LaFOUNTAIN of York and Representatives: BAGLEY of Machias, CLOUGH of Scarborough, DUDLEY of Portland, MAYO of Bath, Senators: President LAWRENCE of York, PENDLETON of Cumberland.

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

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**LABOR**

Bill "An Act to Ensure Access to Specialists for Injured Workers"

(H.P. 1827) (L.D. 2561)

Presented by Representative GOODWIN of Pembroke.

Cosponsored by Senator MILLS of Somerset and Representatives: CLARK of Millinocket, FRECHETTE of Biddeford, HATCH of Skowhegan, MATTHEWS of Winslow, McDONOUGH of Portland, SAMSON of Jay, TWOMEY of Biddeford, WHEELER of Eliot.

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

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**MARINE RESOURCES**

Bill "An Act to Grandfather Apprentices in the Lobstering Program for Lobster Management Zone G Entry" (EMERGENCY)

(H.P. 1828) (L.D. 2562)

Presented by Representative WHEELER of Eliot.

Cosponsored by Senator CASSIDY of Washington and Representatives: ANDREWS of York, DUGAY of Cherryfield, GOODWIN of Pembroke, HONEY of Boothbay, LEMONT of Kittery, MAYO of Bath, PINKHAM of Lamoine.

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

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**TAXATION**

Bill "An Act to Increase Public Participation in the Maine Residents Property Tax Program"

(H.P. 1824) (L.D. 2556)

Presented by Representative ETNIER of Harpswell.

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

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**UTILITIES AND ENERGY**

Bill "An Act to Repeal the Fort Kent Utility District"

(H.P. 1830) (L.D. 2566)

Presented by Representative MARTIN of Eagle Lake.

Cosponsored by Senator PARADIS of Aroostook.

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

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**Pursuant to Statute  
Department of Audit**

Representative GAGNON for the **Department of Audit** pursuant to Maine Revised Statutes, Title 36, section 1604 asks leave to report that the accompanying Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2000-01" (EMERGENCY)

(H.P. 1831) (L.D. 2567)

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

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

**ORDERS**

On motion of Representative BAGLEY of Machias, the following Joint Resolution: (H.P. 1826) (Under suspension of the rules, cosponsored by Senator CAREY of Kennebec and Representatives: AHEARNE of Madawaska, BERRY of Livermore, BOUFFARD of Lewiston, BROOKS of Winterport, BRYANT of Dixfield, BUCK of Yarmouth, BULL of Freeport, CHIZMAR of Lisbon, COLWELL of Gardiner, DUGAY of Cherryfield, DUNLAP of Old Town, DUPLESSIE of Westbrook, FISHER of Brewer, GAGNON of Waterville, GILLIS of Danforth, GOODWIN of Pembroke, HATCH of Skowhegan, LaVERDIERE of Wilton, LEMOINE of Old Orchard Beach, MacDOUGALL of North Berwick, MAILHOT of Lewiston, McGLOCKLIN of Embden, McNEIL of Rockland, MURPHY of Kennebunk, PINKHAM of Lamoine, Speaker ROWE of Portland, SAMSON of Jay, SANBORN of Alton, SAXL of Portland, SHERMAN of Hodgdon, SHIAH of Bowdoinham, SHOREY of Calais, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STANWOOD of Southwest Harbor, TOWNSEND of Portland, VOLENIK of Brooklin, WHEELER of Eliot, Senators: BENOIT of Franklin, BERUBE of Androscoggin, CASSIDY of Washington, DAGGETT of Kennebec, DOUGLASS of Androscoggin, President LAWRENCE of York, NUTTING of Androscoggin, PENDLETON of Cumberland, RAND of Cumberland, TREAT of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE SECRETARY OF DEFENSE AND THE SECRETARY OF THE NAVY TO SUPPORT THE CUTLER NAVAL STATION AS A CRITICAL PART OF OUR NATION'S DEFENSE**

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the United States Secretary of Defense and the United States Secretary of the Navy as follows:

WHEREAS, the Naval Computer and Telecommunications Station located in the Town of Cutler, referred to in this Joint Resolution as the "NCTS," is vital to our national defense as the NCTS handles all Very Low Frequency and High Frequency shore-to-ship, submarine and airplane communications in the North Atlantic theater; and

WHEREAS, the NCTS employs only 224 people but this mix of naval and civilian personnel maintains a 99.999% naval efficiency rating; and

WHEREAS, because of the lean and efficient operation of the NCTS, the United States Navy will not realize any significant savings by downsizing the staff or privatizing the NCTS operations; and

WHEREAS, because of the vital role the NCTS plays in our nation's defense and the high efficiency of the present staff, any downsizing of the staff or privatizing of the NCTS operations threatens the ability of the NCTS to perform its functions to present standards and endangers our national security; and

WHEREAS, the NCTS maintains a solid presence in the Town of Cutler and the surrounding area and a reduction of staff will adversely affect not only the local economy but also the fabric of the local community through the closing of churches and schools; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the Secretary of Defense and the Secretary of the Navy support current operations at the Naval Computer and

Telecommunications Center in the Town of Cutler as a critical part of our nation's defense; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the Honorable William S. Cohen, United States Secretary of Defense, the Honorable Richard Danzig, United States Secretary of the Navy and to each Member of the Maine Congressional Delegation.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Bagley, Representative Machias.

Representative BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House. In the late 1940s the US Navy chose Cutler, Maine, as the site for a very high powered, low frequency transmitter which could broadcast to the North Atlantic and Arctic Oceans. Construction of the facility began in January 1958, and Nav Com Tel Station Cutler was commissioned on June 23, 1961. The mission of this station was then, and remains now, to provide a VLF broadcast link between high-level command authority ashore and our ships, planes and submarines operating in the northern latitudes. The VLF transmitter is designed to operate with the power of two million watts, making the Cutler installation the most powerful radio station in the world. Now the US Navy has notified the command that changes are to be made and the military and most of the civilians will be relocated or will lose their jobs. The station in 1999 had a combined civilian and military yearly payroll of approximately \$10 million. Their combined reliability rating is 99.9 percent. The personnel comprises of 115 military and 98 civilian employees. This cadre of personnel and their dependents are an integral part of the down east community. A reduction in force will reduce the residual workforce to not more than 50 workers, either contractors or civil service workers. Downsizing of the facility is a two-edged sword, the loss of several million dollars a year to an already depressed job market and the loss of a vital communications link for the US Navy. I urge your support for this Joint Resolution.

Representative BAGLEY of Machias REQUESTED a roll call on ADOPTION.

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 Adoption. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 425**

YEA - Ahearne, Andrews, Bagley, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, Peavey, Perkins, Perry, Pich, Pinkham, Plowman, Povich, Powers, Powers, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah,

Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - NONE.

ABSENT - Baker, Frechette, Green, Marvin, McAlevey, McKee, Mitchell, Muse, O'Neal, O'Neil, Quint, Richardson E, Stevens, Watson, Winsor.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Joint Resolution was **ADOPTED**.

Sent for concurrence.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the following members of the Sanford High School Field Hockey Team, which won the 1999 State Class A Championship: Kathleen Meagher, Sarah Tarbox, Heidi Fullerton, Captain Stephanie Dumont, Captain Visith Sinn, Captain Kelly Richards, Pharin Phoung, Katie O'Gorman, Gretchen Goodhue, Sarah MacKay, Callie Black, Tonya Cote, Nicki Libbey, Tiana Morissette, Dawn Poole, Kristen Gauthier, Andrea Krupsky, Kristi Cochin, Kayla Rubin, Sararose Blais, Kim Sullivan, Coach Diana Walker, Assistant Coach Nancy Neubert, Freshman Coach Kathleen Curley and Athletic Director Gordie Salls. We extend our congratulations and best wishes to them on their achievement;

(HLS 889)

Presented by Representative TUTTLE of Sanford. Cosponsored by Senator MacKINNON of York, Representative BOWLES of Sanford, Representative CHICK of Lebanon.

On **OBJECTION** of Representative TUTTLE of Sanford, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

**Recognizing:**

Diana Walker, of Sanford, who has been named Coach of the Year in high school field hockey by the *Maine Sunday Telegram*. She has spent 17 seasons at Sanford High School and had reached the regional finals four other times. This year is the team's first Class A State Championship, which was won with a 17-0 season. We extend our congratulations to her on this achievement and wish her the best in the future;

(HLS 953)

Presented by Representative TUTTLE of Sanford. Cosponsored by Senator MacKINNON of York, Representative CHICK of Lebanon, Representative BOWLES of Sanford.

On **OBJECTION** of Representative TUTTLE of Sanford, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

**In Memory of:**

Brandon A. Matheson, of Augusta, beloved husband of Jean Matheson and longtime educator in the Augusta area. Attending Farmington Teachers College before serving 2 years in the United States Army, Brandon went on to earn his Bachelor of Science degree and Master of Science in Education degree at the University of Maine at Farmington. Brandon began his long career in teaching in Augusta, then at SAD 47, where he touched the lives of so many of his "kids" as teacher, principal, mentor and friend. Brandon went on to serve as principal at Messalonskee High School for 17 years. After his retirement, Brandon furthered the cause of education with active involvement in the University of Maine at Farmington Alumni Foundation, at which he served as president for several years and through which, in 1999, his daughter, Meg, established a scholarship in his name. Brandon will be greatly missed by his family and many friends;

(HLS 1000)

Presented by Representative O'BRIEN of Augusta.

Cosponsored by Senator DAGGETT of Kennebec, Speaker ROWE of Portland, Representative MADORE of Augusta, Representative MITCHELL of Vassalboro, Representative NUTTING of Oakland, President LAWRENCE of York.

On **OBJECTION** of Representative O'BRIEN of Augusta, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **ADOPTION** and later today assigned.

**In Memory of:**

Antonio "Tony" DiMillo, of Portland, owner of DiMillo's Floating Restaurant and marina. Tony was instrumental in transforming the Portland waterfront when he opened his famous floating restaurant in 1982 on an old car ferry moored at an undeveloped wharf. When Tony built his marina at Long Wharf, the restaurant and marina rapidly became an important part of the waterfront and a popular destination for tourists and Maine citizens alike. Tony will be fondly remembered for his contributions to the community and we acknowledge his dedication to his final major project, which was the final renovation to the property with a beautiful and easily accessible walkway. Tony will be greatly missed by his beloved wife Arlene, his loving family and his many friends;

(HLS 988)

Presented by Representative McDONOUGH of Portland.

Cosponsored by Speaker ROWE of Portland, Representative TOWNSEND of Portland, Representative DUDLEY of Portland, Representative SAXL of Portland, Representative BRENNAN of Portland, Representative QUINT of Portland, Representative NORBERT of Portland, Senator ABROMSON of Cumberland, Senator RAND of Cumberland.

On **OBJECTION** of Representative McDONOUGH of Portland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative McDonough.

Representative **MCDONOUGH**: Mr. Speaker, Men and Women of the House. I could go on all morning about the many, many accomplishments that our friend Tony DiMillo did for the City of Portland. I can remember when I was in high school Tony hadn't had his restaurant open all that long. We used to go down



on his restaurant on Fourth Street and have steamed clams. I can tell you those steamed clams were some of the best ones that I had ever tasted and I can still taste them as I stand here today. They were just wonderful. Tony was so very active as was his family and as is his family in the City of Portland. He accomplished so many things. Tony was truly a friend to people, not only in Portland, but all over the state. Whenever anybody needed something and they went to Tony, Tony would be more than happy to help them in any way that he could. I think the State of Maine, particularly the City of Portland is a much better place that Tony DiMillo walked and lived and served the people of that city. Thank you Mr. Speaker.

**ADOPTED** and sent for concurrence.

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**REPORTS OF COMMITTEE**

**Refer to the Committee on Judiciary Pursuant to Joint Order (H.P. 1786)**

Representative THOMPSON from the Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Court Unification Task Force"

(H.P. 1829) (L.D. 2563)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to Joint Order (H.P. 1786).

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

Sent for concurrence.

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**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Establish the Expenditure Forecasting Committee"

(H.P. 624) (L.D. 864)

Signed:

Senator:

MICHAUD of Penobscot

Representatives:

TOWNSEND of Portland

STEVENS of Orono

BERRY of Livermore

MAILHOT of Lewiston

POWERS of Rockport

TESSIER of Fairfield

KNEELAND of Easton

WINSOR of Norway

BRUNO of Raymond

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-781)** on same Bill.

Signed:

Senator:

HARRIMAN of Cumberland

Representative:

NASS of Acton

**READ.**

Representative TOWNSEND of Portland moved the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. This proposal involves the creation of an expenditure

forecasting committee. It is a carryover bill. It was dispensed with, as you can see in front of you, by the Appropriations Committee. It is not my intention today to ask for a vote, but simply to make a brief statement on this. I think it is a good idea. All I am asking for you to do today is just to listen up and think about it in the interim. What I would like to do is just to briefly reflect on how the Revenue Forecasting Committee was created and suggest to you that there is an equal reason for looking at the expenditure side.

On December 8, 1989, the Chief Executive Officer at the time signed an executive order that was entitled *An Order Establishing an Advisory Committee on State Revenues*. If you remember back at the time, that was prior to a year before, a gubernatorial election that was very controversial in this state. The controversy in different economic times revolved around revenue forecasting. The whole gubernatorial election seemed to be focused on that. After the election was done, we seated a Chief Executive and the results were not pleasant. It turns out the side that one in that particular debate had projected or had talked during the campaign about revenues that did not come to pass. We ended up with huge shortfalls in that time. We ended up in the subsequent years reducing our budget dramatically because of that.

My point is that as the political debate goes on about things like revenue forecasts and I would suggest expenditure forecasts, we are not well equipped to deal with that. We don't have the expertise. We don't have the time and the results are not satisfactory.

Let me just read, if I could, the first two paragraphs of that December 8, 1989 executive order. "Whereas the recent impact of changes in the federal income tax code and subsequent changes in the regional economy have focused increased public and governmental attention on the importance of broadening and strengthening the procedures used in forecasting the state revenues. Whereas it is in the mutual best interest of the Executive and the Legislative Branches of state government to formalize a more active, analytical and frequent discussion of current revenue trends and the need for future revenue adjustments."

The result of that activity has been very positive. It has left the political arena. It is now the purview of a group of experts to forecast revenue. Now your Appropriations Committee and this House of the Legislature no longer debate the size of revenue, we debate the issues. We have left aside to more expert opinion, the size of the revenue. I would suggest to you that the same thing potentially would happen to expenditures. It is too complicated in some areas, not all, and we don't have the time to discern whether expenditure projections on certain budget items are in fact accurate. In fact, this year we are faced with a shortfall of almost \$60 million in the Medicaid account. It is an account driven by things that we can't control. I am suggesting to you that we should also make use of a similar process in an Expenditure Forecasting Committee made up of experts to help us in the process of determining what the proper level of expenditures might be and asking them to look out a couple of biennial budget processes. I think we would collectively benefit from that effort.

Again, as you can see from the divided report, there is no support in the committee. I am not asking for a vote on this, Mr. Speaker, but simply to ask you all to think about that for future years. Thank you.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I just want to respond, briefly, to the good Representative from Acton. I appreciate his thoughtful remarks. I am not sure I am going to go for the gubernatorial elections in the years past. My reason for being on the Majority Report and voting against the legislation is that no matter what this committee would do, it is still in the purview of the Legislature and the Executive's Office to present the budgets and to decide which expenditures are our priorities. I think passing the legislation, people would expect things that were out of their hands. The committee would have no control over what goes into the budget. I would just ask you to support the Majority Ought Not to Pass Report. Thank you.

Subsequently the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Prohibit the Scalping of Entertainment Tickets" (H.P. 1318) (L.D. 1901)

Signed:

Senators:

DAGGETT of Kennebec  
FERGUSON of Oxford

Representatives:

FISHER of Brewer  
GAGNE of Buckfield  
LABRECQUE of Gorham  
PERKINS of Penobscot  
HEIDRICH of Oxford  
McKENNEY of Cumberland  
O'BRIEN of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-774)** on same Bill.

Signed:

Senator:

CAREY of Kennebec

Representatives:

TUTTLE of Sanford  
CHIZMAR of Lisbon  
MAYO of Bath

**READ.**

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

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Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-777)** on Resolve, Directing the Bureau of Liquor Enforcement to License an Agency Liquor Store in the City of Caribou

Signed:

Senators:

FERGUSON of Oxford  
CAREY of Kennebec

Representatives:

HEIDRICH of Oxford  
McKENNEY of Cumberland  
FISHER of Brewer  
MAYO of Bath  
LABRECQUE of Gorham  
CHIZMAR of Lisbon  
O'BRIEN of Lewiston  
TUTTLE of Sanford  
GAGNE of Buckfield  
PERKINS of Penobscot

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

Signed:

Senator:

DAGGETT of Kennebec

**READ.**

On motion of Representative TUTTLE of Sanford, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-777)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Friday, February 18, 2000.

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## CONSENT CALENDAR

### First Day

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

(H.P. 1632) (L.D. 2284) Bill "An Act to Maintain the Eel and Elver Management Fund and Regulate Permits for Eel Weirs" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 1651) (L.D. 2320) Bill "An Act to Increase the Bonding Limit of the Trustees of the City of Brewer High School District from \$2,500,000 to \$5,000,000" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1666) (L.D. 2335) Bill "An Act to Revise the Charter of the Madawaska Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 1713) (L.D. 2419) Bill "An Act to Correct Inconsistencies of the Taxable Wage Amount in the Unemployment Compensation Law" Committee on **LABOR** reporting **Ought to Pass**

(H.P. 1128) (L.D. 1587) Bill "An Act to Allow the Surviving Veteran Spouse of a Veteran to Continue to Receive the Property Tax Exemption" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-787)**

(H.P. 1578) (L.D. 2225) Bill "An Act to Permit Certain Referrals by Health Care Practitioners" (EMERGENCY) Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-786)**

(H.P. 1656) (L.D. 2325) Bill "An Act to Address Financial Inequities in Special Waste Fees" Committee on **NATURAL**

**RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (H-791)**

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

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**CONSENT CALENDAR**

**Second Day**

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

(S.P. 875) (L.D. 2283) Bill "An Act to Realign Capital Requirements for Specialty Bank Charters"

(S.P. 866) (L.D. 2264) Bill "An Act Relating to Certain Commercial Insurance Contracts" (C. "A" S-472)

(H.P. 1624) (L.D. 2271) Bill "An Act to Clarify the Laws Governing Service of Protection from Harassment Orders in Court" (EMERGENCY)

(H.P. 1636) (L.D. 2287) Bill "An Act to Expand the Maine Technology Institute Board"

(H.P. 1654) (L.D. 2323) Bill "An Act to Clarify the Requirements for Certifying Driving Time Prior to Obtaining a License"

(H.P. 123) (L.D. 154) Bill "An Act to Provide Funding to the Maine Center for the Blind and Visually Impaired" (C. "A" H-772)

(H.P. 221) (L.D. 299) Bill "An Act to Create a Governance System for Unorganized Towns" (C. "A" H-782)

(H.P. 768) (L.D. 1091) Bill "An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit" (C. "A" H-785)

(H.P. 894) (L.D. 1251) Bill "An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court" (C. "B" H-783)

(H.P. 1042) (L.D. 1464) Bill "An Act to Amend the No Trespassing Zone Around the Water Intake Pipes of the Portland Water District" (C. "A" H-773)

(H.P. 1613) (L.D. 2256) Bill "An Act to Conform the Tax Laws of this State for 1998 With the United States Internal Revenue Code" (C. "A" H-779)

(H.P. 1667) (L.D. 2336) Resolve, to Provide Funds to the Bureau of Veterans' Services to Enhance the Efficiency of Regional Field Offices in Delivering Services to Veterans (C. "A" H-780)

(H.P. 1668) (L.D. 2337) Resolve, to Provide Funds to Assist in the Expansion of the Maine Veterans' Memorial Cemetery System (C. "A" H-775)

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** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

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**BILLS IN THE SECOND READING**

**House**

Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Utilities and Energy Arising from its State Government Evaluation Act Review of the Public Utilities Commission"

(H.P. 1820) (L.D. 2554)

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.

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act to Provide Temporary Relief from the Excise Tax on Diesel Fuel" (EMERGENCY)

(H.P. 1832) (L.D. 2568)

Presented by Representative WINSOR of Norway.

Cosponsored by Representative: KNEELAND of Easton, Senator: MICHAUD of Penobscot.

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

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative TOWNSEND of Portland, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and the Committee on **TRANSPORTATION**, ordered printed and 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 Chair laid before the House the following item which was **TABLED** earlier in today's session:

Expression of Legislative Sentiment In Memory of Brandon A. Matheson, of Augusta.

(HLS 1000)

Which was tabled by Representative O'BRIEN of Augusta pending **ADOPTION**.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. Many, if not most of you, have had the opportunity and the privilege to work or to know Meg Matheson from the Reviser's Office, but few have been as fortunate as I have to have grown up with Meg. I have known her most of my life and now her family. If you had had that opportunity, you would surely understand where Meg gets her integrity, humor, honesty, fairness and her true zest for life. Meg's dad, known as Mr. Matheson to the many thousands of student whose lives he has touched with a very firm, but fair hand, I might add. He is known as Brandy to his many, many fishing, hunting and poker buddies and probably known as a few other choice words, but we won't repeat them here. He is known as the sea monster to my kids and he recently passed away. Few have lived their lives with such gusto as Mr. Matheson. He was truly larger than life in every and all aspects.

At the memorial service we heard personal and very humorous, touching stories from a commissioner, a Chief Justice or two and from a doctor. I would venture to guess that he is and was listening and someday is going to get you back for that. He will have the last word. Thank you Mr. and Mrs. Matheson for all the lives you have helped to shape and for giving us such a

wonderful and gregarious person such as we have in Meg. My sincere condolences to the family and the many, many friends. Mr. Speaker, I would request that when we adjourn today, we do so in memory and lasting tribute to Mr. Brandon Matheson.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Men and Women of the House. Brandon Matheson was a graduate of Madison High School before I came to Madison. He was noted in Madison as a fun loving student who went on to become a very respected teacher and high school principal. On behalf of all his friends in Madison, I express my condolences to his family.

Subsequently, the Sentiment was **ADOPTED** and sent for concurrence.

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The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Expression of Legislative Sentiment recognizing the Sanford HS Field Hockey Team.

(HLS 889)

Which was tabled by Representative TUTTLE of Sanford pending **PASSAGE**.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Expression of Legislative Sentiment recognizing Diana Walker, of Sanford.

(HLS 953)

Which was tabled by Representative TUTTLE of Sanford pending **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. It is indeed a pleasure for me to stand before this body on this issue. It is something very close to my heart. After finishing a game short of their goal a season ago, Coach Diana Walker and the Sanford High School Field Hockey Team had to sit by and watch their counterparts on the football team claim a state title last season. Not that the girls weren't cheering for the football team, they just wanted to know the same feeling. This year, the field hockey team earned the right to feel like the state's best Class A Field Hockey Team with a three to two decision over the East champion and powerhouse Skowhegan and they know how to celebrate. Coach Walker's teams had reached the regional finals four other times. This year she made all the right moves, whether it was inserting players in the lineup or switching players on the field to new positions that led to the title. Coach Walker and her team are to be congratulated for her choice as coach of the year, which is well deserving for 17 years of coaching and a 17 and 0 record for a state title.

In closing, Mr. Speaker, cheer, cheer for old Sanford High. Ours will be victory by and by. Come on team let's fight, fight, fight. Fight for the red and for the white. Come on old Sanford, we got to win. Fight to the finish and never give in. Never let your spirit die. Come on old Sanford High.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Bowles.

Representative BOWLES: Mr. Speaker, Ladies and Gentlemen of the House. I would also like to add my congratulations to the coaching staff. Coach Diana Walker, Coach Nancy Neubert and Coach Kathy Curley. I congratulate Coach Walker on her fine record. I am not certain of this, but I think she may be the winningest high school coach in Sanford history. She has coached for 17 years and reached the playoffs 17 times and finally this year we won the state championship with a 17 and 0 record. The number 17 seems to come up big for Coach Walker.

Even though field hockey is very much a team game, several individuals distinguished themselves and they need to be recognized. Stephanie Dumont, a senior, was awarded all state and all FMAA status this year. She was the team's leading scorer with 14 goals and 11 assists and was further named by the *Maine Sunday Telegram* as Maine's High School Field Hockey Player of the Year. Additionally, junior Tonya Cote tied the scoring record with 14 goals. She had five assists and junior Sarah MacKay was also afforded all state and all FMAA honors with nine goals and eight assists for the season. The team statistically scored 58 goals with only six given up to their opponents. Additionally, they had 461 shots on goal while only allowing 84. That is indeed an impressive record.

Finally, ladies and gentlemen, I would leave you with this message, which is intended to strike fear in the hearts of all of our competitors. Although we are losing eight seniors this year, we have 13 returning players, including our goalie, Nicki Libbey who recorded 12 shutouts. We are expecting big things from this team. We know with their fine coaching and the girls returning, we can expect another fine season. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I would say that an achievement like this is something that will remain with those that have taken part all of their lives. It is something that you will never forget if you take part in a state championship team and I would like to congratulate the coaches and the players for this achievement. Thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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At this point, a message came from the Senate, borne by Senator 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 pleases him.

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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.

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

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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 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 Kennebec, Sen. Treat

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 of 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.

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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 Supreme Judicial Court, the Chief Justice of the Superior Court, Justices of the Superior Court, and the Chief Judge of the District Court.

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The Chair recognized on the floor of the House the Honorable Robert Clifford, Associate Justice of the Maine Supreme Judicial Court; the Honorable Paul Rudman, Associate Justice of the Maine Supreme Judicial Court; the Honorable Leigh Saufley, Associate Justice of the Maine Supreme Judicial Court; the Honorable Donald Alexander, Associate Justice of the Maine Supreme Judicial Court; the Honorable Andrew Mead, Chief Justice of the Maine Superior Court; the Honorable Roland Cole, Superior Court Justice; the Honorable Robert Crowley, Superior Court Justice; the Honorable Michael Westcott, Chief Judge of the Maine District Court.

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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 the Chief Justice; Julie Wathen Gilbert, daughter of the Chief Justice and her family; Dan Wathen, son of the Chief Justice and his family; Sam and Emily Gilbert, two of the Chief Justice's

grandchildren who are serving as Honorary House Pages; Ted Glessner, State Court Administrator.

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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.

President Lawrence, Speaker Rowe, members of Maine's 119<sup>th</sup> Legislature, and fellow Mainers.

Once again, it is my privilege to report on the state of the third branch of Maine's government. Last year, I left you with an ancient plea, often repeated by Dr. Martin Luther King, Jr.: He asked us "to let justice roll down like water and righteousness like a mighty stream." In the last twelve months, I have presided for at least a day in thirteen different District Courts and one Superior Court. As a trial judge, I have decided divorces in Fort Kent, juvenile cases in Portland, child protection cases in Bangor, and domestic violence petitions in every court. I have thirty-four more courts left to go, but my visits have given me a unique opportunity to see, close up, how the stream of justice flows in Maine.

Let me tell you, the courts in Maine have changed. Here are just a few noteworthy examples:

All families involved in the difficult process of divorce are now helped to manage and solve their problems by our new Family Division. That court works collaboratively with others to connect families with community services. For example, the court and the Department of Human Services jointly administer a grant that promotes local parent education programs to help families that are divorcing or separating. That same court has developed a roster of trained and qualified guardians and supervises their performance. Last week, I received a copy of a letter addressed to a judge. In it the father said, "You have placed my family closer to a path we were unable to find ourselves." This is high praise.

Abused and neglected children involved in protective proceedings are no longer left in legal limbo, they now have first call on improved court procedures and resources, and their cases are completed without unnecessary delay. There is a modest cost for this success, but make no mistake, it is a success.

Juveniles and those victimized by juvenile crime now have the improved services provided by the Juvenile Drug Court that began last month. It screens for substance abuse, and, in partnership with the Maine Office of Substance Abuse, provides a much needed court-supervised intensive treatment program.

The changes in Maine's third branch at the turning of the Millennium are far-reaching and profound, but they can be summarized in one sentence -- last year Maine courts moved beyond passive adjudication and began actively intervening to help solve persistent problems in the lives of real people.

Harkening back to the challenge laid down by Dr. King, we may not yet have a mighty stream of justice, but there is a strong new flow of prompt and affordable justice for all in the courts of Maine.

But this is no time to rest. A wise person said: "Justice is an active virtue. One must do something about justice."

I would add that all of us must do something about justice, every day and every year, otherwise injustice sneaks back in.

The delivery of justice is never easy. This is a time of unparalleled economic prosperity and that should help, but our prosperity is not shared by all. Average income is up, but the

gap between the rich and the poor is widening. I heard Robert Reich, former Labor Secretary, explain this phenomenon by noting that he and Shaquille O'Neil may average six feet in height, but Reich is still less than five feet tall. Average income is up and many Mainers have seen their income rise, but many have seen it remain stagnant or even disappear. Despite our prosperous economy, homeless shelters have never been so busy with Maine families. Our courts now serve an increasing number of self-represented litigants. Take it from me, justice comes hard if you are poor and have to go it alone in court.

Beyond economic realities, there are many social ills that cut across all lines. Domestic violence, which Governor King has aptly labeled public enemy #1, and which Rep. Povich refers to as "Maine's own crime," knows no economic boundaries. Neither do drugs and alcohol. You only have to sit in court for a short time to realize that the plagues of the day, family violence and substance abuse, affect us all.

If we all have to do something about justice, what is it that we need to do? Today, I would like to make a few specific suggestions. You will be relieved to know that my remarks are not aimed exclusively at you, the members of this Legislature. There is definitely a role for government, and I will get to that, but from my perspective there is a job here for each one of us.

First, I call upon the Bar of Maine, those capable women and men who have the legal training and the knowledge to help people. Our Bar provides thousands of hours of constitutionally required legal services at rates that are significantly below the market, and in addition, leads the nation in supporting free civil legal services for the poor. The Volunteer Lawyers Project, the IOLTA Fund, the Muskie Civil Legal Services Fund, and the Coffin Fellows Program are just a few of the Bar's innovative programs that support and supplement the excellent work of Maine's premier legal service providers: Pine Tree Legal Assistance, Legal Services for the Elderly, the Cumberland Legal Aid Clinic, and the Maine Equal Justice Project. We can be very proud of the contributions of the Maine legal profession, and I know they are redoubling their efforts to provide free legal service -- but it is not enough and never can be. Here is the paradox: At a time when we have no shortage of lawyers, the working poor and even those in the middle income bracket are often effectively frozen out of the market for legal services. Why?

Part of the answer lies in the way legal services are marketed. In many court matters, the menu of legal representation is full service and you cannot order a la carte. In the past, we have set legal and ethical standards on the assumption that a lawyer's relationship to a client was one involving single-minded deliberation, research and representation over an extended period of time. This being so, questions about liability and ethical quandaries have discouraged private lawyers from offering limited services representation. By this I mean such occasional, time-limited, and specific help as information, simple case evaluation, or planning for court appearances and other procedural advice. For many in Maine, self-representation is an economic necessity, but they should not be cut off from help they need and could pay for. Legal traditions are designed to serve people, not to needlessly disadvantage them.

Today, I call upon the Court's Advisory Committee on Professional Responsibility, the Maine State Bar Association, and other elements of the Bar and legal service community to propose for the Court's consideration, an amendment to the

Code of Professional Responsibility that will make it possible for lawyers to offer limited services representation to the people of Maine. I also urge that they consider ways and means by which properly trained and supervised laypersons may offer basic informational assistance to unrepresented litigants at courthouses. Such measures will go a long way in improving court access for those with limited income.

Second, I have a suggestion for members of the public in general. If you reflect on your own life, I expect you will agree that your family, friends and neighbors were a far more positive force in your own personal development than any court. Unfortunately, for many today that is no longer true. Many children who come to court do not have a stable relationship with a caring adult, and often there are few community services for the court to call upon. Courts provide formal social control, but family and community provide informal social control. It isn't that we in Maine no longer care about our neighbors, we often just don't know. Life today is hurried and hectic and permits a degree of anonymity unknown in the past. We need citizens who are concerned and willing to become involved.

There are many opportunities for public service and none is more important than jury service. Last year eighteen thousand of our neighbors reported for jury duty in the Superior Court and they provided forty-seven thousand, five hundred days of juror service. For ten dollars a day, they entered an unfamiliar and forbidding environment to sit and wait and wait and wait, and finally to sit in judgment on their fellow citizen. I saw a cartoon the other day that showed the foreman of a jury reporting to a judge. He said, "Your honor, we find the defendant guilty and we recommend that he be sentenced to serve on the jury." This doesn't sound very attractive, but it is vitally important. Everyone loves the idea of jury service, but "not this week." Eighty percent of Americans say that juries are the fairest way to determine guilt or innocence. Seventy percent say that trial by jury is THE most important part of the criminal justice system. They are right. Under our system of laws, in the final analysis the jury is in charge. The jury is the linchpin of our democracy. We need to improve jury service and I will talk about that, but we need the continued cooperation of people in Maine in discharging their civic duty. Nothing is more important to the continued existence of our country than a strong and vital jury system.

If courts are to actively reach out and serve people, however, we need more than jurors. We need people who are willing to serve as special advocates for children. Each year we use hundreds of "Court-Appointed Special Advocates" for children in a program called CASA. These trained volunteers represent the interests of children who are the subject of allegations of child abuse and neglect. Often the CASA volunteer is the only lifeline for children experiencing the disintegration of their family. It is a difficult job, but it is immensely rewarding and you can do it. Up in the balcony is Maureen Dillane. The court system honored her this year by naming her Volunteer of the Year. If I list just a few of her accomplishments, you will see why she was selected. Maureen, a CASA volunteer since the program started in 1985, has served as guardian ad litem for more than 100 children over the past fifteen years. Currently, she serves as guardian for more than thirty children in a number of different courts. She has also actively worked to boost the CASA program itself by recruiting volunteers, participating in CASA training, and serving as a mentor to other volunteers and on top of all that she is a foster parent, an adoptive mother of five and a full-time student until she graduated a month ago. Her contribution has benefited

not only CASA and the Judicial Branch, but also the many children she has protected through her strong advocacy. On top of all of that, she is a foster parent, an adoptive mother, and a full time student and is always ready to pitch in and go to work for a child. Maine needs just a few more people like Maureen. Maureen stand and take a bow if you would.

There are a host of human needs within the courts that could be met by volunteers. With support from the LIBRA Foundation, we have established the Maine Volunteers for Justice Project, and we are now ready to provide and support meaningful involvement in the court system by volunteers. We need information aides, clerical assistants, recording assistants, and a host of other people to assist litigants in our fifty court locations. As our brochure says, "Opportunity knocks." The Maine justice system needs you. Anyone wishing to become a volunteer for justice, please contact my office, 287-6950, and I will send you a brochure.

Third, what is it that those of us in the court system need to do about justice? The list is long, but let me mention a few of the projects we need to work on. Chief Justice Mead and folks in the Superior Court are exploring innovations that will make jury service more hospitable, and more supportive of learning and informed decision-making. A lot can be done in this area and we are about to do it. Written jury instructions, juror note-taking, and juror questions are just a few examples of the possible changes, but first and foremost, we need to eliminate unnecessary waiting.

We in the court system also need to squarely confront the prominent role that substance abuse plays in the conduct that brings many people to court again and again. It is not an exaggeration to say that a high percentage, perhaps as high as 85% of all people involved in crime, family violence and child abuse, have substance abuse problems, primarily with alcohol. Moreover, those re-entering society from prison have the same problems that put them there in the first place. Until we deal with substance abuse, courthouses and prisons will remain a revolving door.

With your assistance, Chief Judge Westcott has made a promising start by launching the Juvenile Drug Court Program in the District Court. It is only a start. We have to learn from our experience and expand the availability of drug court services to adult offenders, parents who abuse or neglect their children, and eventually to prisoner's reentering society. It is a huge job and a brand new role for courts, but we can do it.

With us today are Justices Cole and Crowley of the Superior Court. I know that they may not look like judges on the cutting edge of innovation, but they have more experience in running drug courts than anyone else in Maine. They are here to tell you that, as suggested by the title of this pamphlet written by addicts in recovery, "Treatment Does Work" and it works best when judges are willing to give of themselves as these two have done in the Portland project. Criminal behavior can be reduced with close court supervision and a non-adversarial team approach. Drug courts are simply a return to the days when communities were smaller and everyone knew the judge. Successfully implemented on a statewide basis, drug courts will revolutionize Maine's criminal justice system, break the cycle of crime, and protect the public.

Beyond offering new and innovative services, we in the courts must continue to offer traditional services, but with less waiting, less delay, and with a new measure of effectiveness. People want courts to divide their calendar into short segments of time, so that waiting is reduced. Where once we looked to

national court performance standards of six months to one year, we must recognize that people now need hearings on contested matters in less than sixty days. It is simple the public wants a system that is faster and cheaper.

Where once we measured success by the number of protective orders we issued in cases involving domestic violence, the test now is whether the order actually protected someone -- did it make them safer -- how many draped and empty chairs will be up there in the balcony when the Governor provides his State of the State Address next year. I am anxious to work with the Governor's Task Force on Domestic Violence and that is the standard I will suggest. Let us count the empty chairs each year. It is a tough standard, but courts need to ask the important questions: Do protective orders protect? Do support orders support? That is the new measure of court performance and it should be nothing less.

If courts are to be faster, cheaper, more effective, and still fair, we must join the information revolution. We now have the capacity to electronically collect and organize data concerning court operations. The next step is to put that information in the hands of the people who need it by posting it on the Web in an interactive format. Only then will we achieve the constitutional promise of prompt and affordable justice.

There are other challenges that the courts face, but it is enough to say today that we in the courts have a big job.

It seems to me that I have left someone out of this discussion. Oh yes, there are some things that you, the members of this Legislature, need to do about justice this year. Let me quickly mention a few.

First, I guarantee you that I don't have an answer for every challenge. Improvements in the provision of court security are needed statewide. Citizens having business in our courthouses must be safe and feel safe when they are seeking protection and services that only courts can provide. This is especially true for victims of crime and victims of abuse. I have seen the threatening arm of domestic abuse reach into the courtroom and deny justice to those in the witness chair. At our request, the Governor's budget includes modest increases in security, which are sorely needed, but these are not a final answer to the issue of public safety. If we were to comply with the demands of some, we would need more than Three Million Dollars extra each year. I have formed an administrative team to carefully review court security, and I have met with the Sheriffs and the County Commissioners to talk about the role they have traditionally held in providing court security. We will be coming to the Governor and the Legislature in the next session with a reasonable and comprehensive proposal for improvement. We do need your cooperation and assistance, however, to insure safety in all of our courthouses.

Next, many of you have visited a court, but if you have not, I invite you to spend a few hours with us. As the representatives of the people, you need to be personally acquainted with their needs as they appear in court. The Speaker of the House plans to spend part of a day with me behind the bench, frightening thought isn't it, when I am working in the District Court and I extend the same invitation to the President of the Senate. I know you are all a little busy in the next few months, but after the session ends, if you will speak to Ed Kelleher, we will be happy to arrange a visit for you. Each court and each community differs, and that is why I am visiting them all, but it is important that you have personal knowledge of the Maine court system as it exists in your district.

Now for jurors. I am really pleased that the Governor has included in his budget funds to reimburse jurors for parking charges whenever that is necessary. It is one thing not to pay jurors a reasonable wage, it is quite another to make them pay for the privilege of serving. On the question of juror compensation, Senator Davis has presented a bill to increase the payment to \$25.00 a day. This morning, just by chance, I got a letter in the fax at 9:15 a.m. from a woman who had just completed a month long tour of jury duty. It is wonderful letter and essentially positive, a lot of constructive thoughts and criticisms, but she says this, which is relevant today. It seems almost insulting to pay \$10.00 a day when to park is \$6.00 at a minimum and there is no consideration for meals. It is helpful to be reimbursed for mileage as it recognizes those of us who travel long distances. Of the three trials on which I served, I noted that I was by no means alone in being self-employed or an employee of a small business. She says it pretty well. Both parking and increased compensation deserve your enthusiastic support. I would hate to have to explain to her that when you deduct the jury fee paid by civil litigants, the State of Maine paid only \$2.91 for each of the forty-seven thousand, five hundred days of jury service it required last year, \$2.91 a day. If the jury of our peers is the crown jewel of our democracy, and it is, surely we can do better than that.

The Governor's budget also includes new technology positions for the courts and the funds to connect courts to the state's wide-area network. With your support, we will put the court system on the Web and place the information in the hands of those who need it. Maine will have courts that are faster, cheaper, and fairer, but only with your help and the advantages offered by technology.

With respect to further streamlining court operations, the Judiciary Committee is currently considering a report from the Court Unification Task Force created by this Legislature at the request of Representative Jabar. That task force, ably chaired by former Chief Justice Vincent L. McKusick and made up of a representative group of outstanding Maine citizens, presented eight recommendations to improve the efficiency and effectiveness of the judicial system for the people of Maine. Time doesn't permit me to review the recommendations, but I endorse them wholeheartedly and thank the members of the Task Force for their valuable work. The prompt adoption of their report will further modernize Maine courts.

Finally, in separate legislation, you will also have an opportunity to make a down payment on the treatment services that will permit us to expand the drug court program to serve others who need it, and an opportunity to fund much needed court building improvements throughout the state.

There is indeed something for the members of this Legislature to do about justice this year.

I will close with this thought. Maine is a small village. We know each other. Working together, our system of justice can lead the nation. There is a constant need for improvement and each year and each day we must be prepared to "do something about justice" or we will lose it.

I grew up in Easton and the Prestile Stream runs through it. Starting at the age of five, I fished that stream with my brother and father, Old Joe. When I began, the Prestile was a pristine trout stream of great beauty. When I was twenty, the stream became an open sewer for a much needed local industry. Both my parents and I worked in that industry in order for me to go to college and law school. The trout left and went up the small

tributaries. Today, by working together, the folks in Easton have restored justice -- they have a vast and modern industry, an improved local economy, a strong community, good schools, and the fish are back. It has taken a lot of work by a lot of people, but my grandchildren, Sam, Emily, and Joseph, now fish in what I will always consider to be my stream.

I see a new stream of justice flowing in the courts of Maine today. Some see it, some can't, some see it as only a trickle, but if we all work together and if we each "do something about it," our children and all who follow will stand in the middle of a mighty stream.

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The Chief Justice withdrew amid the applause of the Convention, the audience rising.

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

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The Senate then retired to its Chamber amid the applause of the House, the audience rising.

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The House was called to order by the Speaker.

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#### SENATE PAPERS

Bill "An Act to Amend the Charter of Hospital Administrative District No. 4"

(S.P. 997) (L.D. 2559)

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 Regarding the Payment of Child Support in Cases of Delayed Parental Notification"

(S.P. 999) (L.D. 2564)

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 Implement the Recommendations of the Task Force to Review Solid Waste Management Policy"

(S.P. 1000) (L.D. 2565)

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

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

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#### Pursuant to Resolve

**Joint Standing Committee on Business and Economic Development**

Report of the **Joint Standing Committee on Business and Economic Development** pursuant to Resolve 1999, chapter 89



asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy"

(S.P. 995) (L.D. 2557)

Be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and printed pursuant to Joint Rule 218.

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

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

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**REPORTS OF COMMITTEE**

**Refer to the Committee on Business and Economic Development Pursuant to Joint Order (S.P. 978)**

Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Improve the Regulation of Occupations and Professions"

(S.P. 996) (L.D. 2558)

Reporting that it be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** pursuant to Joint Order (S.P. 978).

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

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The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative O'Brien who wishes to address the House on the Record.

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. I rise today to speak in reference to LD 1901. I would like to change my vote. I would make a statement that I would want to change from not supporting this bill to supporting this bill due to the amendments that have been added and other wording that has been taken out. Thank you.

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On motion of Representative O'BRIEN of Augusta, Representative WESTON of Montville, Representative GOODWIN of Pembroke and Representative McDONOUGH of Portland, the House adjourned at 12:03 p.m., until 9:00 a.m., Friday, February 18, 2000 in honor and lasting tribute to Brandon A. Matheson, of Augusta, Robert M. Jones, of Unity, Thomas D. Bouchard, of Perry and Antonio DiMillo, of Portland.