

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twentieth Legislature
State of Maine

Volume I

First Regular Session

December 6, 2000 – May 17, 2001

Pages 1-889

ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
10th Legislative Day
Thursday, February 1, 2001

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

Prayer by Pastor Fred Williams, Quaker Hill Christian Church, Unity.

National Anthem by A. Jan Berlin, South Freeport.

Pledge of Allegiance.

Doctor of the day, A. Jan Berlin, M.D., South Freeport (retired).

The Journal of Tuesday, January 30, 2001 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 86)

ORDERED, the House concurring, that the Joint Standing Committee on Labor review the limits on wages earned by recipients of disability benefits under the Maine State Retirement System and report out, to the Senate, a bill implementing the committee's recommendations no later than January 15, 2002.

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

READ and **PASSED** in concurrence.

The following Joint Order: (S.P. 91)

ORDERED, the House concurring, that the Joint Standing Committee on Business and Economic Development study the potential alternatives for state financing of the construction of meeting and convention facilities. In performing the study, the committee shall consider the findings of the Maine Meetings and Convention Committee established by the Department of Economic and Community Development in 1999. The committee shall report out by January 15, 2002, to the Senate, a bill to implement its recommendations reached as a result of the study.

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

READ.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **PASSAGE** and later today assigned.

Pursuant to Statute

Judicial Compensation Commission

Report of the **Judicial Compensation Commission** pursuant to Maine Revised Statutes, Title 4, section 1701 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Judicial Compensation Commission Regarding Retirement Benefits"

(S.P. 81) (L.D. 301)

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

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

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

Pursuant to Statute

Judicial Compensation Commission

Report of the **Judicial Compensation Commission** pursuant to Maine Revised Statutes, Title 4, section 1701 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Judicial Compensation Commission Regarding Compensation"

(S.P. 124) (L.D. 400)

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

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves 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:

Bill "An Act to Provide Funding for an Educational Component at Historic Fort Knox in the Town of Prospect"

(H.P. 367) (L.D. 469)

Presented by Representative BROOKS of Winterport.

Cosponsored by Senator LONGLEY of Waldo and Representatives: ASH of Belfast, BERRY of Belmont, POVICH of Ellsworth, ROSEN of Bucksport, WESTON of Montville, Senator: YOUNGBLOOD of Penobscot.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested.

On motion of Representative McKEE of Wayne, **TABLED** pending **REFERENCE** and later today assigned.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Improve the Services of the Saco River Corridor Commission"

(H.P. 326) (L.D. 416)

Presented by Representative O'NEIL of Saco.

Cosponsored by Senator LaFOUNTAIN of York and Representatives: COWGER of Hallowell, DAIGLE of Arundel, LAVERRIERE-BOUCHER of Biddeford, LEMOINE of Old Orchard Beach, SAVAGE of Buxton, SULLIVAN of Biddeford, TARAZEWICH of Waterboro, TWOMEY of Biddeford.

Bill "An Act to Provide Funding to the Wells National Estuarine Reserve Research Center"

(H.P. 343) (L.D. 433)

Presented by Representative COLLINS of Wells.

Cosponsored by Senator CARPENTER of York and Representatives: ANDREWS of York, MacDOUGALL of North Berwick, MURPHY of Kennebunk, NASS of Acton, ROSEN of Bucksport, SULLIVAN of Biddeford, WINSOR of Norway, Senator: SMALL of Sagadahoc.

Bill "An Act Concerning National Board Certification of Teachers"

(H.P. 346) (L.D. 436)

Presented by Representative CUMMINGS of Portland.

Cosponsored by Representatives: BAKER of Bangor, BULL of Freeport, McKEE of Wayne, NORTON of Bangor, WESTON of Montville.

Bill "An Act to Make Career Information More Accessible to Maine Citizens"

(H.P. 365) (L.D. 467)

Presented by Representative BERRY of Livermore.

Cosponsored by Senator SMALL of Sagadahoc and Representatives: BELANGER of Caribou, ESTES of Kittery, MATTHEWS of Winslow, NORBERT of Portland, RICHARD of Madison, Senators: BROMLEY of Cumberland, MILLS of Somerset, SHOREY of Washington.

Bill "An Act to Provide Mental Health Services at Shelters"

(H.P. 368) (L.D. 470)

Presented by Representative BROOKS of Winterport.

Cosponsored by Senator YOUNGBLOOD of Penobscot and Representatives: BAKER of Bangor, BLANCHETTE of Bangor, KANE of Saco, LAVERRIERE-BOUCHER of Biddeford, O'BRIEN of Augusta, PERRY of Bangor, SNOWE-MELLO of Poland, WHEELER of Eliot.

Bill "An Act to Provide 4 Additional Personnel to the Department of Human Services Community Services Center"

(H.P. 371) (L.D. 473)

Presented by Representative TESSIER of Fairfield.

Bill "An Act to Discourage the Use of Dangerous Drugs"

(H.P. 358) (L.D. 448)

Presented by Representative PERRY of Bangor.

Cosponsored by Representatives: BAKER of Bangor, BLANCHETTE of Bangor, DUGAY of Cherryfield, DUNLAP of Old Town, FISHER of Brewer, MUSE of South Portland, THOMAS of Orono, Senator: MARTIN of Aroostook.

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

On motion of Representative BERRY of Livermore, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act to Modify the Dam Repair and Reconstruction Fund"

(H.P. 379) (L.D. 481)

Presented by Representative WINSOR of Norway.

Cosponsored by Representative STANLEY of Medway, Senator MARTIN of Aroostook and Representative: TUTTLE of Sanford, Senators: President Pro Tem BENNETT of Oxford, President MICHAUD of Penobscot.

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

On motion of Representative BERRY of Livermore, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act to Amend the Maine Consumer Credit Code"

(H.P. 322) (L.D. 412)

Presented by Representative O'NEIL of Saco.

Cosponsored by Senator DOUGLASS of Androscoggin.

Bill "An Act to Amend the Definition of 'Health Insurance'"

(H.P. 323) (L.D. 413)

Presented by Representative O'NEIL of Saco.

Bill "An Act to Require Health Maintenance Organizations to Cover Optometrist Services"

(H.P. 324) (L.D. 414)

Presented by Representative O'NEIL of Saco.

Cosponsored by Senator DOUGLASS of Androscoggin.

Bill "An Act to Strengthen Health Maintenance Organization Insolvency Requirements"

(H.P. 325) (L.D. 415)

Presented by Representative O'NEIL of Saco.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: CANAVAN of Waterville, LaVERDIERE of Wilton, SULLIVAN of Biddeford.

Bill "An Act Concerning Managed Care Provider Agreements"

(H.P. 336) (L.D. 426)

Presented by Representative O'NEIL of Saco.

Bill "An Act to Modify the Bureau of Insurance Complaint Ratios and to Increase the Amount of Penalties Assessed Against Violators of the Maine Insurance Code"

(H.P. 338) (L.D. 428)

Presented by Representative O'NEIL of Saco.

Cosponsored by Senator LaFOUNTAIN of York and Representatives: MAYO of Bath, SULLIVAN of Biddeford. Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act to Change the Name of the Bureau of Banking in Order to Accurately Reflect the Scope and Variety of Entities Regulated by the Bureau"

(H.P. 339) (L.D. 429)

Presented by Representative O'NEIL of Saco.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: CANAVAN of Waterville, SULLIVAN of Biddeford, Senators: ABROMSON of Cumberland, LaFOUNTAIN of York.

Bill "An Act to Amend the Credit for Reinsurance Provisions of the Maine Insurance Code"

(H.P. 341) (L.D. 431)

Presented by Representative O'NEIL of Saco.

Bill "An Act to Create Catastrophic Health Insurance for Small Businesses in Maine"

(H.P. 349) (L.D. 439)

Presented by Representative MacDOUGALL of North Berwick.

Cosponsored by Senator LEMONT of York and Representatives: BOWLES of Sanford, BUCK of Yarmouth, COLLINS of Wells, FOSTER of Gray, McKENNEY of Cumberland, SNOWE-MELLO of Poland, TRAHAN of Waldoboro, WATERHOUSE of Bridgton.

BANKING AND INSURANCE

Bill "An Act to Assist Individuals in Obtaining Catastrophic Insurance"

(H.P. 362) (L.D. 452)

Presented by Representative TRAHAN of Waldoboro.

Cosponsored by Senator McALEVEY of York and Representatives: DAVIS of Falmouth, LABRECQUE of Gorham, LOVETT of Scarborough, MAYO of Bath, McNEIL of Rockland, SHIELDS of Auburn, SNOWE-MELLO of Poland, VOLENIK of Brooklin.

Bill "An Act to Require Liability Insurance Carriers to Disclose Limits of Liability to Claimants"

(H.P. 372) (L.D. 474)

Presented by Representative SAVAGE of Buxton.

Cosponsored by Representatives: DUDLEY of Portland, LaVERDIERE of Wilton, O'NEIL of Saco, PERRY of Bangor.

Bill "An Act to Ensure Equality in Health Insurance Coverage for Eating Disorders for Children and Adults"

(H.P. 380) (L.D. 482)

Presented by Representative BROOKS of Winterport.

Cosponsored by Representatives: BAKER of Bangor, BLANCHETTE of Bangor, LAVERRIERE-BOUCHER of Biddeford, McKEE of Wayne, PERRY of Bangor, SNOWE-MELLO of Poland, WESTON of Montville, WHEELER of Eliot.

Bill "An Act to Mandate Smoking Cessation Services for Health Insurance"

(H.P. 382) (L.D. 484)

Presented by Representative O'NEIL of Saco.

Cosponsored by Representatives: DUNLAP of Old Town, KANE of Saco, MAYO of Bath, Senator: DOUGLASS of Androscoggin.

Resolve, to Create a Committee to Study the Feasibility of a Single Payor Health Care System

(H.P. 383) (L.D. 485)

Presented by Representative RICHARDSON of Brunswick.

Cosponsored by Senator EDMONDS of Cumberland and Representatives: BUNKER of Kossuth Township, DORR of Camden, JONES of Greenville, KOFFMAN of Bar Harbor, McLAUGHLIN of Cape Elizabeth, MUSE of South Portland, SIMPSON of Auburn, TWOMEY of Biddeford.

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Make Changes to the Board of Licensure in Medicine"

(H.P. 342) (L.D. 432)

Presented by Representative VOLENIK of Brooklin.

Bill "An Act Concerning the State Board of Funeral Service"

(H.P. 378) (L.D. 480)

Presented by Representative PERRY of Bangor.

Cosponsored by Representatives: MAYO of Bath, MURPHY of Kennebunk, RICHARDSON of Brunswick, Senator: SHOREY of Washington.

Bill "An Act to Allow the Agencies of the Department of Professional and Financial Regulation to Revoke Professional and Occupational Licenses"

(H.P. 385) (L.D. 487)

Presented by Representative LaVERDIERE of Wilton.

Cosponsored by Senator SHOREY of Washington and Representatives: BOWLES of Sanford, CLOUGH of Scarborough, MENDROS of Lewiston, MICHAUD of Fort Kent, RICHARDSON of Brunswick.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

CRIMINAL JUSTICE

Bill "An Act Relating to Out-of-state Travel for Work Purposes for Persons on Probation or on Supervised Release"

(H.P. 317) (L.D. 407)

Presented by Representative NORBERT of Portland.

Cosponsored by Representatives: GERZOFISKY of Brunswick, MITCHELL of Vassalboro, O'BRIEN of Lewiston, QUINT of Portland, SAVAGE of Buxton.

Bill "An Act to Require Lifetime Probation for Dangerous Sexual Offenders"

(H.P. 374) (L.D. 476)

Presented by Representative O'BRIEN of Augusta.

Cosponsored by Representatives: BROOKS of Winterport, DUGAY of Cherryfield, MADORE of Augusta, McNEIL of Rockland, MUSE of South Portland, SCHNEIDER of Durham, TRAHAN of Waldoboro, Senator: O'GARA of Cumberland.

EDUCATION AND CULTURAL AFFAIRS

Resolve, to Require the Department of Education to Propose Guidelines for Students Who Have Been Convicted of Violent Crimes

(H.P. 332) (L.D. 422)

Presented by Representative McLAUGHLIN of Cape Elizabeth.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BOWLES of Sanford, BRUNO of Raymond, GREEN of Monmouth, MITCHELL of Vassalboro, MURPHY of Berwick, SKOGLUND of St. George, Senators: BROMLEY of Cumberland, NUTTING of Androscoggin.

Bill "An Act to Remove Liability from School Units When Releasing Information on School Employees Accused of Crimes"

(H.P. 364) (L.D. 466)

Presented by Representative O'BRIEN of Augusta.

Cosponsored by Representative SNOWE-MELLO of Poland and Representatives: BROOKS of Winterport, LABRECQUE of Gorham, MADORE of Augusta, TRAHAN of Waldoboro, TWOMEY of Biddeford, WESTON of Montville.

Bill "An Act to Govern Fees Assessed by the Bureau of General Services that Apply to School Construction Projects"

(H.P. 373) (L.D. 475)

Presented by Representative NASS of Acton.

Cosponsored by Senator LONGLEY of Waldo and Representatives: STEDMAN of Hartland, TARAZEWICH of Waterboro, Senator: MITCHELL of Penobscot.

HEALTH AND HUMAN SERVICES

Resolve, to Clarify the Principles of Reimbursement for Nursing Facilities

(H.P. 347) (L.D. 437)

Presented by Representative ETNIER of Harpswell.

Cosponsored by Representatives: BROOKS of Winterport, DUGAY of Cherryfield, KANE of Saco, LOVETT of Scarborough, MAILHOT of Lewiston, Speaker SAXL of Portland, SCHNEIDER of Durham, Senator: MITCHELL of Penobscot.

Resolve, to Expand Access to Certified Nursing Assistant Training Programs

(H.P. 351) (L.D. 441)

Presented by Representative FULLER of Manchester.

Cosponsored by Senator DAGGETT of Kennebec and Representatives: MADORE of Augusta, MAILHOT of Lewiston, NASS of Acton, O'BRIEN of Augusta, TUTTLE of Sanford, Senator: CARPENTER of York.

Bill "An Act to Create Accountability for Money Spent on Auto Insurance for Participants in the Temporary Assistance for Needy Families Program"

(H.P. 361) (L.D. 451)

Presented by Representative KASPRZAK of Newport.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: ANNIS of Dover-Foxcroft, DUPREY of Hampden, GLYNN of South Portland, LABRECQUE of Gorham, MURPHY of Berwick, WATERHOUSE of Bridgton.

Bill "An Act to Recognize the Special Circumstances of Border Hospitals"

(H.P. 363) (L.D. 453)

Presented by Representative ANDREWS of York.

Cosponsored by Senator LEMONT of York and Representatives: COLLINS of Wells, ESTES of Kittery, MURPHY of Berwick, WHEELER of Eliot.

Bill "An Act Directing the Department of Human Services to Annually Adjust Dental Reimbursement Rates Under the Medicaid Program"

(H.P. 375) (L.D. 477)

Presented by Representative O'BRIEN of Augusta.

Cosponsored by Senator DAGGETT of Kennebec and Representatives: DUGAY of Cherryfield, FULLER of Manchester, MADORE of Augusta, PEAVEY of Woolwich.

Bill "An Act to Strengthen the Maine Rx Program"

(H.P. 376) (L.D. 478)

Presented by Representative COLWELL of Gardiner.

Cosponsored by Senator TREAT of Kennebec and Representatives: BUMPS of China, FULLER of Manchester, KANE of Saco, LAVERRIERE-BOUCHER of Biddeford, SAVAGE of Buxton, Speaker SAXL of Portland, STANLEY of Medway, Senator: RAND of Cumberland.

Bill "An Act Concerning Eligibility for ASPIRE-TANF Participation in Households where an Individual has a Physical or Mental Health Disability"

(H.P. 377) (L.D. 479)

Presented by Representative KANE of Saco.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: DUDLEY of Portland, FULLER of Manchester, LAVERRIERE-BOUCHER of Biddeford, NUTTING of Oakland.

Bill "An Act to Promote Efficiency in the Provision of Administrative Services for Child Care Providers"

(H.P. 328) (L.D. 418)

Presented by Representative MAYO of Bath.

Cosponsored by Senator LONGLEY of Waldo and Representatives: BROOKS of Winterport, DUDLEY of Portland, FULLER of Manchester, O'NEIL of Saco, SULLIVAN of Biddeford, Senator: MILLS of Somerset.

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

On motion of Representative KANE of Saco, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act to Provide Information to Providers of Child Care Regarding Business Support"

(H.P. 329) (L.D. 419)

Presented by Representative MAYO of Bath.

Cosponsored by Senator LONGLEY of Waldo and Representatives: BROOKS of Winterport, DUDLEY of Portland, O'NEIL of Saco, SULLIVAN of Biddeford, Senator: MILLS of Somerset.

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

On motion of Representative KANE of Saco, **TABLED** pending **REFERENCE** and later today assigned.

INLAND FISHERIES AND WILDLIFE

Bill "An Act Related to Nonresident Deer Hunters"

(H.P. 319) (L.D. 409)

Presented by Representative USHER of Westbrook.

Cosponsored by Senator WOODCOCK of Franklin and Representatives: CARR of Lincoln, DUNLAP of Old Town, HONEY of Boothbay, JONES of Greenville, PARADIS of Frenchville, PINEAU of Jay, WHEELER of Eliot, Senator: CARPENTER of York.

Bill "An Act to Delegate the Authority to Regulate Personal Watercraft in Unorganized Territories to County Commissioners"

(H.P. 337) (L.D. 427)

Presented by Representative GOODWIN of Pembroke.

Cosponsored by Representative: CLARK of Millinocket.

Bill "An Act to Exempt from the Definition of 'Watercraft' Permanently Affixed Boats"

(H.P. 350) (L.D. 440)

Presented by Representative FULLER of Manchester.

Cosponsored by Senator GAGNON of Kennebec and Representatives: BRYANT of Dixfield, CLARK of Millinocket, DUNLAP of Old Town, McGLOCKLIN of Embden, Senator: CARPENTER of York.

Bill "An Act to Eliminate the Coyote Snaring Program"

(H.P. 360) (L.D. 450)

Presented by Representative BULL of Freeport.

JUDICIARY

Bill "An Act to Facilitate Implementation of Court Alcohol and Drug Treatment Programs"

(H.P. 333) (L.D. 423)

Presented by Representative SAVAGE of Buxton.
Cosponsored by Senator DAGGETT of Kennebec and Representatives: BRYANT of Dixfield, COLWELL of Gardiner, MATTHEWS of Winslow, McGLOCKLIN of Embden, NORBERT of Portland, USHER of Westbrook, WATERHOUSE of Bridgton.

Resolve, to Establish a Fatherhood Issues Study Commission

(H.P. 370) (L.D. 472)

Presented by Representative TESSIER of Fairfield.
Cosponsored by Representatives: CLARK of Millinocket, MARRACHÉ of Waterville.

LABOR

Bill "An Act to Repeal the Limitation on Certain Income that Maine State Retirement System Retirees May Earn Without Incurring a Reduction in Benefits"

(H.P. 352) (L.D. 442)

Presented by Representative FULLER of Manchester.
Cosponsored by Representatives: BELANGER of Caribou, DAVIS of Falmouth, GREEN of Monmouth, SULLIVAN of Biddeford, Senator: President MICHAUD of Penobscot.

LEGAL AND VETERANS AFFAIRS

Resolve, Authorizing Sharon Huff and Raymond Huff to Sue the State

(H.P. 357) (L.D. 447)

Presented by Representative O'NEIL of Saco.
Cosponsored by Representatives: BRANNIGAN of Portland, DUDLEY of Portland, MENDROS of Lewiston, O'BRIEN of Augusta, QUINT of Portland, RICHARDSON of Brunswick, Senator: McALEVEY of York.

MARINE RESOURCES

Bill "An Act to Provide Free Licenses to Harvest Marine Organisms for Persons Over 70 Years of Age"

(H.P. 320) (L.D. 410)

Presented by Representative McDONOUGH of Portland.
Cosponsored by Senator SHOREY of Washington and Representatives: BAKER of Bangor, GOODWIN of Pembroke, PATRICK of Rumford, TUTTLE of Sanford, USHER of Westbrook, Senator: PENDLETON of Cumberland.

Bill "An Act to Restrict Atlantic Halibut Fishing in State Waters"

(H.P. 334) (L.D. 424)

Presented by Representative HONEY of Boothbay.
Cosponsored by Senator KILKELLY of Lincoln and Representatives: CHICK of Lebanon, PINKHAM of Lamoine, Speaker SAXL of Portland, USHER of Westbrook.

Bill "An Act to Restrict the Use of Gill Nets"

(H.P. 335) (L.D. 425)

Presented by Representative HONEY of Boothbay.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: CHICK of Lebanon, PINKHAM of Lamoine, Speaker SAXL of Portland, USHER of Westbrook.

Bill "An Act to Require 2 Runners on Lobster Traps"

(H.P. 359) (L.D. 449)

Presented by Representative SULLIVAN of Biddeford.
Cosponsored by Senator LEMONT of York and Representatives: ASH of Belfast, BULL of Freeport, McNEIL of Rockland, MUSE of Fryeburg, O'NEIL of Saco, PINKHAM of Lamoine, POVICH of Ellsworth, USHER of Westbrook.

Bill "An Act to Amend the Lobster Licensing Laws"

(H.P. 366) (L.D. 468)

Presented by Representative ASH of Belfast.
Cosponsored by Representatives: COTE of Lewiston, HATCH of Skowhegan.

STATE AND LOCAL GOVERNMENT

Bill "An Act to Reinstigate the Auditing of State Agencies by the Department of Audit"

(H.P. 331) (L.D. 421)

Presented by Representative TRAHAN of Waldoboro.
Cosponsored by Senator KNEELAND of Aroostook and Representatives: BERRY of Livermore, DUGAY of Cherryfield, DUNLAP of Old Town, HONEY of Boothbay, MAYO of Bath, MURPHY of Berwick, SCHNEIDER of Durham, Senator: DAVIS of Piscataquis.

Resolve, Regarding the Expansion of a Right-of-way Across the Elizabeth Levinson Center in Bangor

(H.P. 344) (L.D. 434)

Presented by Representative PERRY of Bangor.

Bill "An Act to Allow Washington County to Elect Its Own District Attorney"

(H.P. 354) (L.D. 444)

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Senator SHOREY of Washington and Representatives: BAGLEY of Machias, DUGAY of Cherryfield, GOODWIN of Pembroke, MORRISON of Baileyville.

Bill "An Act to Prohibit State Expenditures on International Treaties not Ratified by the United States Senate"

(H.P. 356) (L.D. 446)

Presented by Representative SNOWE-MELLO of Poland.
Cosponsored by Senator DAVIS of Piscataquis and Representatives: BUCK of Yarmouth, CRESSEY of Baldwin, KASPRZAK of Newport, MacDOUGALL of North Berwick, MICHAEL of Auburn, TRACY of Rome, TRAHAN of Waldoboro, WATERHOUSE of Bridgton.

Bill "An Act to Provide a Local Option on Display of the State Flag"

(H.P. 369) (L.D. 471)

Presented by Representative BROOKS of Winterport.
Cosponsored by Senator LONGLEY of Waldo and Representatives: ASH of Belfast, BERRY of Belmont, HEIDRICH of Oxford, McKEE of Wayne, WESTON of Montville, WHEELER of Eliot, Senator: YOUNGBLOOD of Penobscot.

TAXATION

Bill "An Act to Reduce Tree Growth Tax Benefits to Landowners Who Ship Raw Timber Outside the Country"

(H.P. 316) (L.D. 406)

Presented by Representative CLARK of Millinocket.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: GOODWIN of Pembroke, SHERMAN of Hodgdon, STANLEY of Medway, WHEELER of Eliot, Senator: KNEELAND of Aroostook.

Bill "An Act to Tax Farm Implements Equally"

(H.P. 327) (L.D. 417)

Presented by Representative CRABTREE of Hope.

Cosponsored by Senator SAVAGE of Knox and Representatives: BERRY of Belmont, CLOUGH of Scarborough, CRESSEY of Baldwin, HALL of Bristol, PATRICK of Rumford, STANLEY of Medway, WHEELER of Bridgewater, Senator: DAVIS of Piscataquis.

Bill "An Act to Encourage Equity Equivalent Loans or Investments in Nonprofit Community Economic Development Organizations"

(H.P. 340) (L.D. 430)

Presented by Representative HALL of Bristol.

Cosponsored by Representatives: BLISS of South Portland, COTE of Lewiston, JACOBS of Turner, MITCHELL of Vassalboro, MORRISON of Baileyville, PINEAU of Jay, SKOGLUND of St. George, TRAHAN of Waldoboro.

Bill "An Act to Exempt Nonprofit Religious Ministries From Sales Tax for Items Used in Missionary Work"

(H.P. 348) (L.D. 438)

Presented by Representative DUPREY of Hampden.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: ANNIS of Dover-Foxcroft, CRESSEY of Baldwin, GLYNN of South Portland, KASPRZAK of Newport, MacDOUGALL of North Berwick, MENDROS of Lewiston, O'BRIEN of Augusta, YOUNG of Limestone.

Bill "An Act to Establish a Sales Tax Exemption for Purchases Made by Private, Nonprofit Senior Citizens' Centers"

(H.P. 355) (L.D. 445)

Presented by Representative PERRY of Bangor.

Cosponsored by Representatives: BAKER of Bangor, DUGAY of Cherryfield, DUNLAP of Old Town, FISHER of Brewer, Senator: LEMONT of York.

TRANSPORTATION

Bill "An Act to Expand the Jurisdiction of the Maine Turnpike Authority to Include an East-west Highway"

(H.P. 318) (L.D. 408)

Presented by Representative GOODWIN of Pembroke.

Cosponsored by Representative: TUTTLE of Sanford.

Bill "An Act to Enforce the Speed Limit at Toll Plaza Approaches on the Maine Turnpike"

(H.P. 321) (L.D. 411)

Presented by Representative TUTTLE of Sanford.

Cosponsored by Representatives: BOUFFARD of Lewiston, WHEELER of Eliot.

Bill "An Act to Amend the Laws Governing Placards for Handicapped Motor Vehicle Operators"

(H.P. 353) (L.D. 443)

Presented by Representative CLOUGH of Scarborough.

Cosponsored by Senator SAVAGE of Knox and Representatives: BERRY of Belmont, CUMMINGS of Portland, GAGNE of Buckfield, GOODWIN of Pembroke, JACOBS of Turner, McKENNEY of Cumberland, McNEIL of Rockland, SCHNEIDER of Durham.

UTILITIES AND ENERGY

Bill "An Act to Strengthen Energy Conservation"

(H.P. 330) (L.D. 420)

Presented by Representative SAVAGE of Buxton.

Cosponsored by Senator FERGUSON of Oxford.

Submitted by the Office of Public Advocate pursuant to Joint Rule 204.

Bill "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority"

(H.P. 345) (L.D. 435)

Presented by Representative MAILHOT of Lewiston.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BOUFFARD of Lewiston, COTE of Lewiston, JACOBS of Turner, McDONOUGH of Portland, McLAUGHLIN of Cape Elizabeth, O'BRIEN of Lewiston, SIMPSON of Auburn, Senator: ROTUNDO of Androscoggin.

Bill "An Act to Implement a State Universal Service Fund" (EMERGENCY)

(H.P. 384) (L.D. 486)

Presented by Representative COLWELL of Gardiner.

Cosponsored by Senator FERGUSON of Oxford and Representatives: DUDLEY of Portland, LAVERRIERE-BOUCHER of Biddeford, MARLEY of Portland, NORBERT of Portland, SAVAGE of Buxton, Senator: TREAT of Kennebec.

Bill "An Act to Revise the Sewer Lien Laws"

(H.P. 381) (L.D. 483)

Presented by Representative WINSOR of Norway.

Cosponsored by President Pro Tem BENNETT of Oxford and Representatives: GAGNE of Buckfield, HEIDRICH of Oxford, Senator: DAGGETT of Kennebec.

Committee on **UTILITIES AND ENERGY** suggested.

On motion of Representative SAVAGE of Buxton, **TABLED** pending **REFERENCE** and later today assigned.

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

ORDERS

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 16)

ORDERED, that Representative Thomas J. Kane of Saco be excused Tuesday, January 23rd for health reasons and Thursday, January 25th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Julie Ann O'Brien of Augusta be excused Thursday, January 25th for legislative business.

AND BE IT FURTHER ORDERED, that Representative William R. Savage of Buxton be excused Tuesday, January 23rd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Lois A. Snowe-Mello of Poland be excused Thursday, January 18th for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

John J. "Jack" McCann, of Portland, beloved husband, father, grandfather, great-grandfather, teacher and friend, whose death has shocked and saddened citizens throughout the State. He was born and raised in Portland, and was an athlete at Deering High School. He attended Notre Dame University and graduated from Tufts University as well as earning his Master of Science Degree from Colgate Medical School. For 25 years he was a typesetter and linotype operator for area newspapers, as well as the Boston Herald. Jack McCann taught biology at Deering High School and was an administrator at King Junior High School before retiring in 1972. Jack was a dedicated educator who devoted significant time to his students and took great pride in their successes. We acknowledge his dedicated service to the students of Portland and the exemplary life he lived. He will be sadly missed by his loving family and many friends;

(HLS 54)

Presented by Representative DAVIS of Falmouth. Cosponsored by Senator ABROMSON of Cumberland, Speaker SAXL of Portland, Representative BRANNIGAN of Portland, Representative CUMMINGS of Portland, Representative MARLEY of Portland, Representative DUDLEY of Portland, Representative McDONOUGH of Portland, Representative NORBERT of Portland, Representative QUINT of Portland, Senator RAND of Cumberland.

On **OBJECTION** of Representative DAVIS of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. John McCann was a Deering High School biology teacher. He was my wife's biology teacher. She graduated in 1958. She said he was a superb, excellent teacher. My father passed away when I was 15 and John McCann would stop me in the corridor and ask how things were going. I didn't know if I would go to college. He encouraged me to go to college. I went to Wilbraham Academy and made the honor roll. He was very, very pleased. Later when I worked a lot of hours and also played football and studied, I lost a little weight. I wish I had that problem now. He encouraged me and wanted to know what I was eating. He would call me up on the telephone and gave me advice. When I joined the faculty of Portland High School, he was very, very interested as a fellow teacher, whether I was teaching advanced placement? How is it going? How do the student's score or whether I just lost the Junior Varsity Football Championship at Portland High. He gave commiseration. He

was a very, very good and dedicated teacher. He often walked around Baxter Boulevard and I saw him there frequently. I have great respect, reverence and love for this man. I will miss him greatly. If I could sum this up, John McCann, was something away from the 19th Century with his manners, his demeanor, he was, in fact, a gallant Christian gentleman. I will miss him very, very much. Thank you Mr. Speaker.

ADOPTED and sent for concurrence.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 30, 2001, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act Regarding Veterans"

(H.P. 231) (L.D. 268)

(Committee on **TAXATION** suggested)
PENDING - REFERENCE.

On motion of Representative **GREEN** of Monmouth, the Bill was **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**, ordered printed and sent for concurrence.

Bill "An Act to Maintain Moosehead Trail Signs"
(EMERGENCY)

(H.P. 215) (L.D. 250)

(Committee on **TRANSPORTATION** suggested)
PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **TRANSPORTATION**, ordered printed and sent for concurrence.

HOUSE REPORT – Refer to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to Joint Study Order 1999 (H.P. 1857) – **Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for all Maine Citizens** on Bill "An Act to Fund Community Health Access Programs"

(H.P. 196) (L.D. 226)

PENDING – ACCEPTANCE OF REPORT.

Subsequently, the Report was **ACCEPTED.**

On motion of Representative **KANE** of Saco, the Bill was **REFERRED** to the Committee on **BANKING AND INSURANCE**, ordered printed and sent for concurrence.

Bill "An Act to Expand the Mission of the Office of the Public Advocate"

(H.P. 313) (L.D. 391)

(Committee on **BANKING AND INSURANCE** suggested)
TABLED - January 30, 2001 (Till Later Today) by Representative **O'NEIL** of Saco.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **BANKING AND INSURANCE**, ordered printed and sent for concurrence.

Bill "An Act to Provide Clarification on the Use of Impact Fees"

(H.P. 268) (L.D. 346)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested) TABLED - January 30, 2001 (Till Later Today) by Representative McDONOUGH of Portland.

PENDING - REFERENCE.

On motion of Representative McDONOUGH of Portland, the Bill was REFERRED to the Committee on **NATURAL RESOURCES**, ordered printed and sent for concurrence.

Bill "An Act to Clarify Municipal Authority Over Cable Television Franchises"

(H.P. 294) (L.D. 372)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested) TABLED - January 30, 2001 (Till Later Today) by Representative McDONOUGH of Portland.

PENDING - REFERENCE.

Subsequently, the Bill was REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government and Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001

(H.P. 227) (L.D. 262)

(C. "A" H-7)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I would just like to offer a few brief comments before we, hopefully, enact this legislation. I just want to make a few comments in regard to the Appropriations Committee and express my appreciation. I really think that all the members bring a great deal of experience and background to the committee. It has really been a pleasure to work with all of them. In this budget it really meets the very basic needs of government between now and July 1. Much of it could have been done by financial order and I appreciate the Executive bringing it through the budget process, through the Legislature. This budget does remove from the Executive's request issues relating to the Fund for a Healthy Maine. I know that many of us are committed to the fund, but this brings the debate into the current services of the biennial budget debate. I think we can discuss all related issues in a much more appropriate manner. I think our cooperative effort with House and Senate members, I am really impressed. I hope this will carry through in the biennial budget discussions. I am really looking forward to working with the committee. I would ask that all members of the House support this measure. Mr. Speaker, I ask that when the vote is taken, it is taken by the yeas and nays.

Representative BERRY of Livermore REQUESTED a roll call on **ENACTMENT**.

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

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

Representative NASS: Mr. Speaker, Men and Women of the House. It is my pleasure to join with the Appropriations Committee Chair at this time and urge all of the members of the House to support this effort. This is the first effort of the 120th Legislature to reach consensus in the committee on a fairly large money bill. It did not resolve all of the issues going forward, but we reached a consensus and it is a unanimous report. I think that is important going forward. It is important to recognize the effort that has been made even on this level. I urge your support of this and help us to move on to some of the bigger issues of the day and hopefully it will turn out to be short term. Thank you.

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 10

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Buck, Cressey, Duprey, Kasprzak, Labrecque, Pinkham, Waterhouse.

ABSENT - Bagley, Baker, Etnier, Goodwin, Madore, Michael, Tessier.

Yes, 137; No, 7; Absent, 7; Excused, 0.

137 having voted in the affirmative and 7 voted in the negative, with 7 being absent, accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

The following Joint Order: (S.P. 138)

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, February 6, 2001, at 9:00 in the morning and Senate Adjourns until Tuesday, February 6, 2001, at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

Resolve, to Increase Access and Support Student Success at Maine's Technical Colleges

(S.P. 132) (L.D. 456)

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 Provide Health Insurance Coverage for General Anesthesia and Associated Facility Charges for Dental Procedures for Certain Vulnerable Persons"

(S.P. 127) (L.D. 403)

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 Increase Reimbursement Rates for Maine's Bottle Redemption Businesses"

(S.P. 131) (L.D. 455)

Bill "An Act to Amend the Laws Governing the Board of Licensing of Auctioneers"

(S.P. 134) (L.D. 458)

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 Require a License to Sell Firearms"

(S.P. 141) (L.D. 464)

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

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

Bill "An Act to Account for Homeschooled Children Under the School Funding Formula and to Require the Maine Educational Assessment for Homeschooled Children"

(S.P. 129) (L.D. 405)

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.

Bill "An Act to Clarify the Substance Abuse Law"

(S.P. 139) (L.D. 462)

Resolve, to Provide Medicaid Reimbursement for Service Dogs and Companion Animals

(S.P. 142) (L.D. 465)

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.

Bill "An Act to Expand the Authority of Maine Prosecutors to Coordinate the Prosecution of Drug Cases"

(S.P. 135) (L.D. 459)

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

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

Bill "An Act to Amend the Laws Governing Wage and Benefit Records Kept by Contractors Working on Public Works Projects"

(S.P. 137) (L.D. 461)

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

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

Bill "An Act to Prohibit the Sale of Liquor by Retail Licensees for Less than the Actual Price Paid"

(S.P. 125) (L.D. 401)

Bill "An Act to Clean Up Maine's Clean Election Law"

(S.P. 130) (L.D. 454)

Bill "An Act to Promote Fairness and Equity in Liquor Prices"

(S.P. 136) (L.D. 460)

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 Remove the Time Limit on Applying for Refunds of Tax Stamps on Unsalable Cigarettes"

(S.P. 126) (L.D. 402)

Bill "An Act to Promote Equity Among Health Care Clinics"

(S.P. 128) (L.D. 404)

Bill "An Act to Clarify that the Sales Tax Exemption for Purchase of Manufacturing Equipment Applies Equitably"

(S.P. 133) (L.D. 457)

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 Authorize the Department of Transportation to Locate and Construct Railroad Lines"

(S.P. 140) (L.D. 463)

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

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

On motion of Representative GOODWIN of Pembroke, the House adjourned at 11:11 a.m., until 9:00 a.m., Tuesday, February 6, 2001 pursuant to the Joint Order (S.P. 138) and in honor and lasting tribute to John J. "Jack" McCann, of Portland.