

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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  
11th Legislative Day  
Tuesday, February 6, 2001

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

Prayer by Reverend Priscilla Schumm, Springfield Congregational Church.

Pledge of Allegiance.

Doctor of the day, Laurel M. Coleman, M.D., Manchester.

The Journal of Thursday, February 1, 2001 was read and approved.

At this point, the Speaker recognized the Representative from Machias, Representative BAGLEY and she was added to the quorum call of the First Regular Session of the 120th Legislature.

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

Representative BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House. I just would like to take a minute to thank you all for your prayers, your cards, your many thoughts, your visits, your monetary contributions so that my family could support me while I was in the hospital. I didn't realize I had so much support or so many people who cared about me. It is a wonderful feeling. Thank you Mr. Speaker.

**SENATE PAPERS**

Resolve, Directing the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to Prepare a Recodification of the Inland Fisheries and Wildlife Laws

(S.P. 88) (L.D. 315)

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

On motion of Representative DUNLAP of Old Town, TABLED pending REFERENCE and later today assigned.

**Non-Concurrent Matter**

Bill "An Act to Support Requests for Jobs for Maine's Graduates Programs in Maine Communities"

(H.P. 289) (L.D. 367)

REFERRED to the Committee on EDUCATION AND CULTURAL AFFAIRS in the House on January 30, 2001.

Came from the Senate REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

The House voted to RECEDE AND CONCUR.

**Non-Concurrent Matter**

Bill "An Act to Appropriate Funds to Improve Employment Opportunities for People with Mental Illness"

(H.P. 292) (L.D. 370)

REFERRED to the Committee on HEALTH AND HUMAN SERVICES in the House on January 30, 2001.

Came from the Senate REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

On motion of Representative BERRY of Livermore, TABLED pending FURTHER CONSIDERATION and later today assigned.

**COMMUNICATIONS**

The Following Communication: (H.P. 461)

**DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES**

**78 STATE HOUSE STATION  
AUGUSTA, ME 04333-0078**

**MEMORANDUM**

TO: Michael H. Michaud, President of the Senate  
Richard A. Bennett, President Pro Tem  
Michael V. Saxl, Speaker of the House  
Members of the Legislative Council  
Jill M. Goldthwait, Chair,  
Committee on Appropriations & Financial Affairs  
Randall L. Berry, Chair,  
Committee on Appropriations & Financial Affairs  
Members of the Joint Standing Committee on  
Appropriations & Financial Affairs

FROM: S/Janet E. Waldron, Commissioner

DATE: January 29, 2001

SUBJ: Tax Incidence

It is my pleasure to forward for your information a copy of a report pursuant to statute which has been forwarded to the Joint Standing Committee on Taxation. The Department's ability to produce such an in-depth analysis is due to in large part to the Legislature's support for our increased automation and econometric modeling. Maine, I believe, is one of only two states able to analyze Tax Incidence at this level. While this is an imperfect science, we believe this to be an invaluable asset to the Legislative and Executive branches in making policy decisions.

Your questions are encouraged.

Thank you.

READ and with accompanying papers ORDERED PLACED ON FILE.

Sent for concurrence.

The Following Communication: (H.C. 30)

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

February 2, 2001

Honorable Millicent MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 22, section 3739, I am pleased to appoint the following Representatives to the Child Care Advisory Council:

Representative Deborah L. Simpson of Auburn

Representative Julie Ann O'Brien of Augusta

If you have any questions regarding these appointments, please contact my office.

Sincerely,  
S/Michael V. Saxl  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 31)  
**STATE OF MAINE**  
**120TH LEGISLATURE**

January 8, 2001  
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 120th Maine Legislature on Tuesday, February 6, 2001 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/Michael H. Michaud  
President of the Senate  
S/Michael V. Saxl  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 32)  
**STATE OF MAINE**  
**SUPREME JUDICIAL COURT**  
**AUGUSTA, MAINE 04330**

January 11, 2001  
Hon. Michael H. Michaud  
President of the Senate  
Room 327  
State House  
Augusta, ME 04333  
Hon. Michael V. Saxl  
Speaker of the House  
Room 300  
State House  
Augusta, ME 04333

Dear President Michaud and Speaker Saxl:

I am pleased to accept your invitation to address the Joint Session of the 120th Maine Legislature on February 6 at 11:00 a.m. I appreciate your willingness to afford me this valuable opportunity to speak to the entire Legislature concerning the third branch of government. This event represents an unparalleled opportunity for improving the quality of justice for Maine's citizens.

I look forward to seeing you on the 6th.

Sincerely yours,  
S/Daniel E. Wathen  
Chief Justice

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 33)  
**STATE OF MAINE**

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

January 25, 2001  
Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333-0002

Dear Madam Clerk:

Pursuant to my authority under House Rule 201.1(l), Representative John Michael of Auburn has agreed to not serve as a member of the Joint Standing Committee on State and Local Government pending the report of the House Committee on Ethics.

Representative William S. Norbert of Portland will temporarily continue to serve as a member of the Joint Standing Committee on State and Local Government.

Sincerely,  
S/Michael V. Saxl  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

---

**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:

---

**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act to Fund Sexual Assault and Domestic Violence Intervention and Prevention"

(H.P. 403) (L.D. 524)

Presented by Representative COLWELL of Gardiner.

Under suspension of the rules, cosponsored by Senator CATHCART of Penobscot, Senator SMALL of Sagadahoc and Representatives: ANDREWS of York, ANNIS of Dover-Foxcroft, ASH of Belfast, BAGLEY of Machias, BAKER of Bangor, BERRY of Belmont, BERRY of Livermore, BLANCHETTE of Bangor, BLISS of South Portland, BOUFFARD of Lewiston, BRANNIGAN of Portland, BROOKS of Winterport, BRUNO of Raymond, BRYANT of Dixfield, BULL of Freeport, BUMPS of China, BUNKER of Kossuth Township, CANAVAN of Waterville, CHICK of Lebanon, CHIZMAR of Lisbon, CLARK of Millinocket, COLLINS of Wells, COTE of Lewiston, COWGER of Hallowell, CUMMINGS of Portland, DAVIS of Falmouth, DESMOND of Mapleton, DORR of Camden, DUDLEY of Portland, DUGAY of Cherryfield, DUNCAN of Presque Isle, DUNLAP of Old Town, DUPLESSIE of Westbrook, ESTES of Kittery, ETNIER of Harpswell, FISHER of Brewer, FULLER of Manchester, GAGNE of Buckfield, GERZOFISKY of Brunswick, GLYNN of South Portland, GOOLEY of Farmington, GREEN of Monmouth, HALL of Bristol, HASKELL of Milford, HATCH of Skowhegan, HAWES of Standish, HONEY of Boothbay, HUTTON of Bowdoinham, JACOBS of Turner, JONES of Greenville, KANE of Saco, KOFFMAN of Bar Harbor, LANDRY of Patten, LAVERDIERE of Wilton, LAVERRIERE-BOUCHER of Biddeford, LEDWIN of Holden, LEMOINE of Old Orchard Beach, LESSARD of Topsham, LOVETT of Scarborough, LUNDEEN of Mars Hill, MADORE of Augusta, MAILHOT of Lewiston, MARLEY of

Portland, MARRACHÉ of Waterville, MATTHEWS of Winslow, MAYO of Bath, McDONOUGH of Portland, McGLOCKLIN of Embden, McGOWAN of Pittsfield, McKEE of Wayne, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MICHAUD of Fort Kent, MITCHELL of Vassalboro, MURPHY of Berwick, MURPHY of Kennebunk, MUSE of South Portland, MUSE of Fryeburg, NASS of Acton, NORBERT of Portland, NORTON of Bangor, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEIL of Saco, PARADIS of Frenchville, PATRICK of Rumford, PEAVEY of Woolwich, PERKINS of Penobscot, PERRY of Bangor, PINEAU of Jay, POVICH of Ellsworth, QUINT of Portland, RICHARD of Madison, RICHARDSON of Brunswick, RINES of Wiscasset, SAVAGE of Buxton, Speaker SAXL of Portland, SCHNEIDER of Durham, SIMPSON of Auburn, SKOGLUND of St. George, SNOWE-MELLO of Poland, STANLEY of Medway, SULLIVAN of Biddeford, TARAZEWICH of Waterboro, TESSIER of Fairfield, THOMAS of Orono, TOBIN of Dexter, TRACY of Rome, TRAHAN of Waldoboro, TUTTLE of Sanford, TWOMEY of Biddeford, VOLENIK of Brooklin, WATSON of Farmingdale, WHEELER of Bridgewater, WHEELER of Eliot, Senators: President Pro Tem BENNETT of Oxford, BROMLEY of Cumberland, CARPENTER of York, DAGGETT of Kennebec, DAVIS of Piscataquis, DOUGLASS of Androscoggin, EDMONDS of Cumberland, FERGUSON of Oxford, GAGNON of Kennebec, KILKELLY of Lincoln, LEMONT of York, LONGLEY of Waldo, MARTIN of Aroostook, McALEVEY of York, President MICHAUD of Penobscot, MITCHELL of Penobscot, NUTTING of Androscoggin, O'GARA of Cumberland, PENDLETON of Cumberland, RAND of Cumberland, ROTUNDO of Androscoggin, SAVAGE of Knox, SHOREY of Washington, TREAT of Kennebec, TURNER of Cumberland, WOODCOCK of Franklin, YOUNGBLOOD of Penobscot.

Bill "An Act to Appropriate Funds to the Maine Technical College System for the Operation of the Bath Higher Education Center"

(H.P. 411) (L.D. 532)

Presented by Representative MAYO of Bath.

Cosponsored by Senator SMALL of Sagadahoc and Representatives: GERZOFKY of Brunswick, LESSARD of Topsham, PEAVEY of Woolwich, RICHARDSON of Brunswick, RINES of Wiscasset, WATSON of Farmingdale, WINSOR of Norway.

Bill "An Act to Expand Educational Opportunities"

(H.P. 414) (L.D. 535)

Presented by Representative DUNLAP of Old Town.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: CLARK of Millinocket, GREEN of Monmouth, NORBERT of Portland, ROSEN of Bucksport, THOMAS of Orono, TUTTLE of Sanford, Senators: CATHCART of Penobscot, President MICHAUD of Penobscot.

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

(H.P. 430) (L.D. 551)

Presented by Representative O'BRIEN of Augusta.

Cosponsored by Representative GOOLEY of Farmington and Representatives: ETNIER of Harpswell, MADORE of Augusta, McKENNEY of Cumberland, NASS of Acton.

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

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

---

#### **BANKING AND INSURANCE**

Bill "An Act Concerning Indemnification and Limitation of Liability Provisions of Managed Care Participating Provider Agreements"

(H.P. 389) (L.D. 510)

Presented by Representative SHIELDS of Auburn.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: MARRACHÉ of Waterville, MAYO of Bath, RICHARDSON of Brunswick, Senator: MITCHELL of Penobscot.

Bill "An Act to Expand Insurance Coverage in the State"

(H.P. 405) (L.D. 526)

Presented by Representative WHEELER of Eliot.

Cosponsored by Senator LEMONT of York and Representatives: BROOKS of Winterport, DUGAY of Cherryfield, ESTES of Kittery, HAWES of Standish, TUTTLE of Sanford, Senator: SHOREY of Washington.

Bill "An Act to Provide Universal Access to Health Care for All Citizens of the State"

(H.P. 422) (L.D. 543)

Presented by Representative PARADIS of Frenchville.

Cosponsored by Senator MARTIN of Aroostook and Representatives: COLWELL of Gardiner, COWGER of Hallowell, LANDRY of Patten, LUNDEEN of Mars Hill, MICHAUD of Fort Kent, NORBERT of Portland, YOUNG of Limestone, Senator: BROMLEY of Cumberland.

Bill "An Act to Provide Equity in Reimbursement for Health Care Providers"

(H.P. 433) (L.D. 554)

Presented by Representative PERRY of Bangor.

Cosponsored by Representatives: BULL of Freeport, DUNLAP of Old Town, JACOBS of Turner, THOMAS of Orono.

Bill "An Act Regarding Assignment of Benefits Under Personal Injury Insurance"

(H.P. 434) (L.D. 555)

Presented by Representative PERRY of Bangor.

Cosponsored by Representatives: BULL of Freeport, DUNLAP of Old Town, JACOBS of Turner, THOMAS of Orono.

Bill "An Act to Require Health Insurance Carriers to Cover the Cost of Dental Surgery for Children in Need of Hospital Dentistry"

(H.P. 452) (L.D. 573)

Presented by Representative RICHARDSON of Brunswick.

Cosponsored by Representatives: BULL of Freeport, SCHNEIDER of Durham, SIMPSON of Auburn.

---

**BUSINESS AND ECONOMIC DEVELOPMENT**

Bill "An Act to Amend the Licensing Provisions for Private Investigators"

(H.P. 398) (L.D. 519)

Presented by Representative CHIZMAR of Lisbon.

Cosponsored by Senator MARTIN of Aroostook and Representatives: LESSARD of Topsham, MAYO of Bath, Senator: DAVIS of Piscataquis.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act to Provide Support for Impoverished Communities for Economic Development"

(H.P. 426) (L.D. 547)

Presented by Representative McGLOCKLIN of Embden.

Cosponsored by Representatives: BRYANT of Dixfield, McGOWAN of Pittsfield, RICHARDSON of Brunswick, STEDMAN of Hartland, TESSIER of Fairfield, Senators: DAVIS of Piscataquis, SHOREY of Washington.

---

**CRIMINAL JUSTICE**

Bill "An Act to Repeal the Maine Criminal Justice Academy Certification Requirements for Sheriffs"

(H.P. 387) (L.D. 508)

Presented by Representative GOODWIN of Pembroke.

Cosponsored by Senator MARTIN of Aroostook and Representative: CLARK of Millinocket.

Bill "An Act to Allow Sheriffs to Use Modern Record-keeping Technologies in Maintenance of Jail Records"

(H.P. 458) (L.D. 579)

Presented by Representative PEAVEY of Woolwich.

Cosponsored by Representative MUSE of South Portland, Senator: SMALL of Sagadahoc.

---

**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act to Financially Reward Maine Teachers Who Earn Certification from the National Board for Professional Teaching Standards"

(H.P. 446) (L.D. 567)

Presented by Representative RICHARDSON of Brunswick.

Cosponsored by Representatives: BRYANT of Dixfield, DUPLESSIE of Westbrook, JONES of Greenville, STANLEY of Medway, SULLIVAN of Biddeford.

---

**HEALTH AND HUMAN SERVICES**

Bill "An Act to Encourage HIV Testing of Pregnant Patients"

(H.P. 391) (L.D. 512)

Presented by Representative MARRACHÉ of Waterville.

Cosponsored by Senator MITCHELL of Penobscot and Representatives: HASKELL of Milford, HAWES of Standish, LAVERRIERE-BOUCHER of Biddeford, SHIELDS of Auburn.

Bill "An Act to Improve Access to Residential Care in Rural Maine"

(H.P. 404) (L.D. 525)

Presented by Representative LOVETT of Scarborough.

Cosponsored by Representatives: FULLER of Manchester, STEDMAN of Hartland, Senators: LONGLEY of Waldo, MILLS of Somerset.

Bill "An Act Regarding Commercial Swimming Pools and Hot Tubs"

(H.P. 418) (L.D. 539)

Presented by Representative TRACY of Rome.

Cosponsored by Senator LEMONT of York and Representatives: BROOKS of Winterport, BRYANT of Dixfield, DUNLAP of Old Town, MARLEY of Portland, NORBERT of Portland, PINEAU of Jay, STANLEY of Medway, TRAHAN of Waldoboro.

Resolve, to Coordinate and Improve Access To Health Care for Women

(H.P. 419) (L.D. 540)

Presented by Representative JACOBS of Turner.

Cosponsored by Senator TREAT of Kennebec and Representatives: FULLER of Manchester, GAGNE of Buckfield, HAWES of Standish, KANE of Saco, LANDRY of Patten, O'BRIEN of Lewiston, TWOMEY of Biddeford, Senator: NUTTING of Androscoggin.

Resolve, to Improve the Accessibility of Nursing Facility Services for Consumers with Chronic Conditions

(H.P. 428) (L.D. 549)

Presented by Representative FULLER of Manchester.

Cosponsored by Representative LOVETT of Scarborough and Representatives: DUGAY of Cherryfield, KANE of Saco, MAYO of Bath, O'BRIEN of Augusta, Senators: LONGLEY of Waldo, TURNER of Cumberland.

Bill "An Act to Increase Eligibility for Health Care Benefits"

(H.P. 435) (L.D. 556)

Presented by Representative MARRACHÉ of Waterville.

Bill "An Act to Add 75 Residential Care Beds Under the Medicaid Program"

(H.P. 437) (L.D. 558)

Presented by Representative MAYO of Bath.

Cosponsored by Senator McALEVEY of York and Representatives: DUGAY of Cherryfield, FULLER of Manchester, KANE of Saco, LAVERRIERE-BOUCHER of Biddeford, NUTTING of Oakland, O'BRIEN of Augusta, TWOMEY of Biddeford, WATSON of Farmingdale.

---

**INLAND FISHERIES AND WILDLIFE**

Bill "An Act to Require Public Access to All State Waters"

(H.P. 393) (L.D. 514)

Presented by Representative MORRISON of Baileyville.

Cosponsored by Senator SHOREY of Washington and Representatives: BOWLES of Sanford, HALL of Bristol, HATCH of Skowhegan, MICHAUD of Fort Kent, SHERMAN of Hodgdon.

Bill "An Act to Provide a New Opportunity in the Moose Lottery"

(H.P. 420) (L.D. 541)

Presented by Representative DUNLAP of Old Town.  
Cosponsored by Senator KILKELLY of Lincoln and Representatives: CLARK of Millinocket, COTE of Lewiston, McGLOCKLIN of Embden, SCHNEIDER of Durham, THOMAS of Orono, TRACY of Rome, TUTTLE of Sanford, Senator: President MICHAUD of Penobscot.

Bill "An Act to Expand the Muzzle-loading Season to 15 Hunting Days"

(H.P. 421) (L.D. 542)

Presented by Representative TUTTLE of Sanford.  
Cosponsored by Senator CARPENTER of York and Representatives: BRYANT of Dixfield, CLARK of Millinocket, DUNLAP of Old Town, MATTHEWS of Winslow, PATRICK of Rumford, PERKINS of Penobscot, TRACY of Rome, WHEELER of Eliot.

---

**JUDICIARY**

Bill "An Act to Provide Uniformity and Consistency in the Appeals from the Trial Courts to the Law Court"

(H.P. 438) (L.D. 559)

Presented by Representative LaVERDIERE of Wilton.  
Submitted by the Judicial Department pursuant to Joint Rule 204.

Bill "An Act to Correct the Judicial Retirement Laws Regarding Administrative Court Judges" (EMERGENCY)

(H.P. 440) (L.D. 561)

Presented by Representative LaVERDIERE of Wilton.  
Submitted by the Judicial Department pursuant to Joint Rule 204.

---

**LABOR**

Bill "An Act to Provide an Opportunity to Minors Under 16 Years of Age to Work in Nonprofit Moving Image Archives and Nonprofit Community Theaters"

(H.P. 390) (L.D. 511)

Presented by Representative ROSEN of Bucksport.  
Cosponsored by Representatives: DAVIS of Falmouth, GERZOFKY of Brunswick, Senators: SAWYER of Penobscot, YOUNGBLOOD of Penobscot.

Bill "An Act to Permit Grievance Mediation by the Panel of Mediators"

(H.P. 392) (L.D. 513)

Presented by Representative DUPLESSIE of Westbrook.  
Cosponsored by Senator MILLS of Somerset and Representatives: MATTHEWS of Winslow, TREADWELL of Carmel, Senator: EDMONDS of Cumberland.  
Submitted by the Department of Labor pursuant to Joint Rule 204.

Bill "An Act to Prohibit the Delay in Provisional Payment of Certain Disability Benefits"

(H.P. 413) (L.D. 534)

Presented by Representative SMITH of Van Buren.  
Cosponsored by Senator EDMONDS of Cumberland and Representatives: PARADIS of Frenchville, PATRICK of Rumford, SAVAGE of Buxton, VOLENIK of Brooklin.

Bill "An Act to Define and Revise Noncompete Employment Contracts"

(H.P. 415) (L.D. 536)

Presented by Representative BRUNO of Raymond.  
Cosponsored by Senator SHOREY of Washington and Representatives: MURPHY of Kennebunk, NASS of Acton, SCHNEIDER of Durham.

Bill "An Act to Require a Recommendation from a Physician Before Being Eligible for Disability Benefits"

(H.P. 417) (L.D. 538)

Presented by Representative MARRACHÉ of Waterville.

Bill "An Act to Eliminate Unnecessary Paperwork for Wage-hour Compliance"

(H.P. 423) (L.D. 544)

Presented by Representative TREADWELL of Carmel.  
Cosponsored by Senator DAVIS of Piscataquis and Representatives: CRESSEY of Baldwin, DAVIS of Falmouth, MacDOUGALL of North Berwick, McKENNEY of Cumberland, STANLEY of Medway, USHER of Westbrook, Senator: O'GARA of Cumberland.

---

**LEGAL AND VETERANS AFFAIRS**

Bill "An Act Concerning Small Breweries That Are Licensed to Serve Liquor on Premises"

(H.P. 399) (L.D. 520)

Presented by Representative COWGER of Hallowell.  
Cosponsored by Senator DAGGETT of Kennebec and Representatives: BUNKER of Kossuth Township, COLWELL of Gardiner, RINES of Wiscasset, SAVAGE of Buxton, STANLEY of Medway, TESSIER of Fairfield, TUTTLE of Sanford, Senator: KILKELLY of Lincoln.

Bill "An Act to Amend the Beano and Games of Chance Laws"

(H.P. 407) (L.D. 528)

Presented by Representative CHIZMAR of Lisbon.  
Cosponsored by Senator MARTIN of Aroostook and Representatives: LESSARD of Topsham, MAYO of Bath, Senator: DAVIS of Piscataquis.  
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act to Require the State to Pay for Veterans' Obituaries and State Flags"

(H.P. 416) (L.D. 537)

Presented by Representative DUNLAP of Old Town.  
Cosponsored by Senator KILKELLY of Lincoln and Representatives: CLARK of Millinocket, COTE of Lewiston, FISHER of Brewer, NORBERT of Portland, PERRY of Bangor, SCHNEIDER of Durham, THOMAS of Orono, TUTTLE of Sanford.

Resolve, to Amend the National Guard Education Assistance Pilot Program (EMERGENCY)

(H.P. 429) (L.D. 550)

Presented by Representative FISHER of Brewer.  
Cosponsored by Representatives: CLARK of Millinocket, DUNLAP of Old Town, MAYO of Bath, ROSEN of Bucksport,

THOMAS of Orono, Senators: GOLDTHWAIT of Hancock, O'GARA of Cumberland.

Bill "An Act to Require Towns to Process Initiative and Referendum Petitions within One Week of Delivery"  
(H.P. 442) (L.D. 563)  
Presented by Representative MICHAEL of Auburn.

Bill "An Act to Encourage Indelible Ballot Markings"  
(H.P. 443) (L.D. 564)  
Presented by Representative MICHAEL of Auburn.  
Cosponsored by Representative: MENDROS of Lewiston.

Bill "An Act to Discourage Drunken Driving"  
(H.P. 444) (L.D. 565)  
Presented by Representative MICHAEL of Auburn.

Bill "An Act to Preserve the Integrity of the Polling Place by Limiting the Physical Presence of Candidates"  
(H.P. 448) (L.D. 569)  
Presented by Representative MICHAEL of Auburn.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Number of Signatures Required for Citizen Initiatives  
(H.P. 453) (L.D. 574)  
Presented by Representative MICHAEL of Auburn.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Maine Citizens to Propose Constitutional Amendments by Initiative  
(H.P. 454) (L.D. 575)  
Presented by Representative MICHAEL of Auburn.

Bill "An Act to Prohibit Collection of Referendum Signatures on the Day of State Elections"  
(H.P. 459) (L.D. 580)  
Presented by Representative STANLEY of Medway.  
Cosponsored by Representatives: CARR of Lincoln, DUNLAP of Old Town.

---

#### MARINE RESOURCES

Bill "An Act to Exempt Seaweed Harvesting from Certain Restrictions" (EMERGENCY)  
(H.P. 432) (L.D. 553)  
Presented by Representative FULLER of Manchester.  
Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: DUGAY of Cherryfield, ETNIER of Harpswell, HONEY of Boothbay, MAYO of Bath, McNEIL of Rockland, Senator: KILKELLY of Lincoln.

---

#### NATURAL RESOURCES

Bill "An Act to Regulate Waste Transfer Facilities"  
(H.P. 388) (L.D. 509)  
Presented by Representative LOVETT of Scarborough.  
Cosponsored by Senator BROMLEY of Cumberland and Representatives: BLISS of South Portland, CLOUGH of Scarborough, GLYNN of South Portland LABRECQUE of Gorham.

Bill "An Act Regarding Prehistoric and Historic Archaeological Work Performed in the Shoreland Zone"  
(H.P. 395) (L.D. 516)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.  
Cosponsored by Representatives: BULL of Freeport, DUGAY of Cherryfield, GOODWIN of Pembroke, MAILHOT of Lewiston, MORRISON of Baileyville.

Bill "An Act to Amend Certain Laws Administered by the Department of Environmental Protection"  
(H.P. 406) (L.D. 527)  
Presented by Representative COWGER of Hallowell.  
Cosponsored by Representative: DAIGLE of Arundel.  
Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

Bill "An Act to Establish the Maine Cave Protection Act"  
(H.P. 439) (L.D. 560)  
Presented by Representative DESMOND of Mapleton.  
Cosponsored by Senator TREAT of Kennebec and Representatives: LORING of the Penobscot Nation, PARADIS of Frenchville, SOCTOMAH of the Passamaquoddy Tribe.

Bill "An Act to Assist Municipalities in Developing and Using Geographic Information Systems to Track Development and Promote Smart Growth"  
(H.P. 457) (L.D. 578)

Presented by Representative NASS of Acton.  
Cosponsored by Senator GAGNON of Kennebec and Representatives: COWGER of Hallowell, DAIGLE of Arundel, JONES of Greenville, KOFFMAN of Bar Harbor, McLAUGHLIN of Cape Elizabeth, TOBIN of Windham, Senators: NUTTING of Androscoggin, TREAT of Kennebec.  
Submitted by the State Planning Office pursuant to Joint Rule 204.

---

Bill "An Act to Eliminate the Maine Land Use Regulation Commission"  
(H.P. 394) (L.D. 515)

Presented by Representative CLARK of Millinocket.  
Cosponsored by Senator SHOREY of Washington and Representatives: DUNLAP of Old Town, GOODWIN of Pembroke, LANDRY of Patten, SHERMAN of Hodgdon, WHEELER of Bridgewater, Senator: DAVIS of Piscataquis.

Committee on **NATURAL RESOURCES** suggested.  
On motion of Representative COWGER of Hallowell, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

---

Bill "An Act to Preserve Public Access and Job Opportunities in the Maine Woods"  
(H.P. 409) (L.D. 530)

Presented by Representative COWGER of Hallowell.  
Cosponsored by Representative DUNLAP of Old Town, Senator KILKELLY of Lincoln and Representatives: DUPLESSIE of Westbrook, HATCH of Skowhegan, KOFFMAN of Bar Harbor, McKEE of Wayne, Senator: SAWYER of Penobscot.  
Committee on **NATURAL RESOURCES** suggested.



On motion of Representative COWGER of Hallowell, the Bill was REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

---

**STATE AND LOCAL GOVERNMENT**

Bill "An Act to Promote Affordable Housing for the Elderly"  
(H.P. 397) (L.D. 518)

Presented by Representative LEDWIN of Holden.  
Cosponsored by Senator SAWYER of Penobscot and Representatives: CHASE of Levant, McDONOUGH of Portland, Senators: PENDLETON of Cumberland, YOUNGBLOOD of Penobscot.

Bill "An Act to Create the Office of Ombudsman"  
(H.P. 408) (L.D. 529)

Presented by Representative STANLEY of Medway.  
Cosponsored by Representatives: CARR of Lincoln, DUNLAP of Old Town, MATTHEWS of Winslow, PINEAU of Jay, SHERMAN of Hodgdon, TRACY of Rome, Senator: President MICHAUD of Penobscot.

Bill "An Act to Repeal the Requirement that the Kennebec County Budget be Approved by the Legislature"  
(H.P. 427) (L.D. 548)

Presented by Representative FULLER of Manchester.  
Cosponsored by Representatives: COLWELL of Gardiner, GREEN of Monmouth, MITCHELL of Vassalboro, O'BRIEN of Augusta, TRACY of Rome.

Bill "An Act to Allow Municipalities to Create Capital Improvement Districts"  
(H.P. 441) (L.D. 562)

Presented by Representative ANDREWS of York.  
Cosponsored by Senator LEMONT of York and Representative: WHEELER of Eliot.

Bill "An Act to Improve Local Governmental Unit Access to Bulk Purchasing"  
(H.P. 447) (L.D. 568)

Presented by Representative MITCHELL of Vassalboro.  
Cosponsored by Senator O'GARA of Cumberland and Representatives: BERRY of Livermore, GOODWIN of Pembroke, HALL of Bristol, SAVAGE of Buxton.

---

Bill "An Act to Hold Persons Incarcerated in County Jails Accountable for Certain Costs Associated with Their Incarceration"  
(H.P. 401) (L.D. 522)

Presented by Representative LESSARD of Topsham.  
Cosponsored by Senator DAVIS of Piscataquis and Representatives: CARR of Lincoln, GERZOSKY of Brunswick, MAYO of Bath, USHER of Westbrook.

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

On motion of Representative BAGLEY of Machias, TABLED pending REFERENCE and later today assigned.

Bill "An Act to Reimburse Collectors of Sales and Use Taxes"  
(H.P. 410) (L.D. 531)

Presented by Representative BUCK of Yarmouth.  
Cosponsored by Senator GAGNON of Kennebec and Representatives: BOWLES of Sanford, BUMPS of China, GAGNE of Buckfield, GREEN of Monmouth, MURPHY of Berwick, PERRY of Bangor, STANLEY of Medway.

Bill "An Act to Improve the Business Equipment Tax Reimbursement Program"  
(H.P. 412) (L.D. 533)

Presented by Representative MAILHOT of Lewiston.  
Cosponsored by Senator GAGNON of Kennebec and Representatives: BERRY of Livermore, BRANNIGAN of Portland, CANAVAN of Waterville, FULLER of Manchester, GREEN of Monmouth, HALL of Bristol, HAWES of Standish, NORBERT of Portland.

Bill "An Act to Provide a Sales Tax Exemption for Boats Used for Business"  
(H.P. 425) (L.D. 546)

Presented by Representative TRAHAN of Waldoboro.  
Cosponsored by Representatives: MacDOUGALL of North Berwick, McNEIL of Rockland.

Bill "An Act to Eliminate the Sales Tax on Textbooks"  
(H.P. 450) (L.D. 571)

Presented by Representative CRESSEY of Baldwin.  
Cosponsored by Senator MILLS of Somerset, President Pro Tem BENNETT of Oxford and Representatives: DAVIS of Falmouth, LOVETT of Scarborough, MacDOUGALL of North Berwick, MENDROS of Lewiston, ROSEN of Bucksport, SCHNEIDER of Durham, TRAHAN of Waldoboro, WESTON of Montville.

Bill "An Act to Create a Computer Technology Taxable Income Deduction for Maine Families"  
(H.P. 451) (L.D. 572)

Presented by Representative MacDOUGALL of North Berwick.  
Cosponsored by Representatives: BOWLES of Sanford, BUCK of Yarmouth, CRESSEY of Baldwin, DAVIS of Falmouth, FOSTER of Gray, SNOWE-MELLO of Poland, TREADWELL of Carmel, Senator: SAWYER of Penobscot.

RESOLUTION, to Amend the Constitution of Maine to Dedicate Funds for the Protection of Maine's Fish and Wildlife Resources  
(H.P. 455) (L.D. 576)

Presented by Representative SAVAGE of Buxton.  
Cosponsored by Senator CARPENTER of York and Representatives: BERRY of Belmont, CARR of Lincoln, COLWELL of Gardiner, DUNLAP of Old Town, GOODWIN of Pembroke, McGLOCKLIN of Embden, SMITH of Van Buren, Senator: KILKELLY of Lincoln.

Bill "An Act to Create Equitable Taxation of Leased Property"  
(H.P. 456) (L.D. 577)

Presented by Representative COLWELL of Gardiner.  
Cosponsored by Senator LEMONT of York and Representative: O'NEIL of Saco, Senators: LaFOUNTAIN of York, O'GARA of Cumberland.

---

**TAXATION**

Bill "An Act to Exempt Certain Organizations from the Meals and Lodging Tax"

(H.P. 460) (L.D. 581)

Presented by Representative STANLEY of Medway.  
Cosponsored by Representatives: BRYANT of Dixfield, CARR of Lincoln, CLARK of Millinocket, DUNLAP of Old Town, JONES of Greenville, MATTHEWS of Winslow, RICHARDSON of Brunswick.

---

### TRANSPORTATION

Bill "An Act to Provide Property Tax Relief from the Cost of Public Transportation"

(H.P. 386) (L.D. 507)

Presented by Representative MARLEY of Portland.  
Cosponsored by Representatives: BULL of Freeport, CUMMINGS of Portland, DORR of Camden, DUDLEY of Portland, GERZOFKY of Brunswick, NORBERT of Portland, PERRY of Bangor, SIMPSON of Auburn.

Bill "An Act to Establish the Identification Card of a Maine Indian Tribe as an Acceptable Form of Identification"

(H.P. 396) (L.D. 517)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.  
Cosponsored by Senator SHOREY of Washington and Representatives: BULL of Freeport, DUGAY of Cherryfield, GOODWIN of Pembroke, MAYO of Bath.

Bill "An Act to Adopt the Canadian Highway Weight Standards"

(H.P. 400) (L.D. 521)

Presented by Representative MORRISON of Baileyville.  
Cosponsored by Senator SHOREY of Washington and Representatives: BOWLES of Sanford, BUCK of Yarmouth, HALL of Bristol, HATCH of Skowhegan, SHERMAN of Hodgdon.

Bill "An Act to Create a Special Maine Indian Tribe License Plate"

(H.P. 402) (L.D. 523)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.  
Cosponsored by Senator SHOREY of Washington and Representatives: BULL of Freeport, DESMOND of Mapleton, DUGAY of Cherryfield, GOODWIN of Pembroke, HAWES of Standish, MAILHOT of Lewiston, MAYO of Bath.

Bill "An Act to Remove the Requirement for Display of a Front License Plate on a Motor Vehicle"

(H.P. 424) (L.D. 545)

Presented by Representative PERRY of Bangor.  
Cosponsored by Representatives: DUNLAP of Old Town, JACOBS of Turner, THOMAS of Orono.

Bill "An Act to Improve Police Officer Safety"

(H.P. 431) (L.D. 552)

Presented by Representative DAVIS of Falmouth.  
Cosponsored by Representatives: CHASE of Levant, LOVETT of Scarborough, SNOWE-MELLO of Poland, TARAZEWICH of Waterboro, TWOMEY of Biddeford.

Bill "An Act to Amend the Laws Pertaining to Pedestrians on a Public Way" (EMERGENCY)

(H.P. 436) (L.D. 557)

Presented by Representative BUCK of Yarmouth.  
Cosponsored by Representatives: COLLINS of Wells, MCKENNEY of Cumberland.

Bill "An Act to Allow Vehicles Purchased at Auction to Travel 25 Miles After Delivery at a Dealership for Inspection and Repair"

(H.P. 445) (L.D. 566)

Presented by Representative POVICH of Ellsworth.  
Cosponsored by Senator YOUNGBLOOD of Penobscot and Representatives: BELANGER of Caribou, HATCH of Skowhegan, McDONOUGH of Portland, RICHARDSON of Brunswick, SULLIVAN of Biddeford, WHEELER of Bridgewater.

---

### UTILITIES AND ENERGY

Bill "An Act to Remove Redundant Written Authorization Requirements"

(H.P. 449) (L.D. 570)

Presented by Representative COLWELL of Gardiner.  
Cosponsored by President MICHAUD of Penobscot and Representatives: BUNKER of Kossuth Township, CLARK of Millinocket, DUGAY of Cherryfield, MARLEY of Portland, SAVAGE of Buxton, STANLEY of Medway.

---

### ORDERS

On motion of Representative O'BRIEN of Augusta, the following Joint Order: (H.P. 462) (Cosponsored by Senator PENDLETON of Cumberland and Representatives: BROOKS of Winterport, MADORE of Augusta, MUSE of South Portland)

ORDERED, the Senate concurring, that the Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families is established as follows:

1. **Task force established.** The Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families, referred to in this order as the "task force," is established.

2. **Task force membership.** The task force consists of 10 members as follows:

- A. The President of the Senate;
- B. The Speaker of the House;
- C. The Majority Leader of the Senate;
- D. The Assistant Majority Leader of the Senate;
- E. The Minority Leader of the Senate;
- F. The Assistant Minority Leader of the Senate;
- G. The Majority Leader of the House of Representatives;
- H. The Assistant Majority Leader of the House of Representatives;
- I. The Minority Leader of the House of Representatives; and
- J. The Assistant Minority Leader of the House of Representatives.

3. **Chairs.** The President of the Senate and the Speaker of the House of Representatives are the chairs of the task force.

4. **Convening of task force.** The chairs shall call and convene the first meeting of the task force no later than 45 days

after adjournment of the First Regular Session of the 120th Legislature.

**5. Duties.** The task force shall create a plan to implement the recommendations of the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families.

**6. Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

**7. Compensation.** The members of the task force are entitled to receive the legislative per diem, as defined by the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at meetings of the task force.

**8. Report.** The task force shall submit its report, together with any recommended implementing legislation, to the Joint Standing Committee on State and Local Government no later than November 1, 2001. If the task force requires an extension of time to complete its report, it may apply to the Legislative Council, which may grant the extension.

**9. Task force budget.** The chairs of the task force, with assistance from the task force staff, shall administer the task force's budget. Within 10 days after its first meeting, the task force shall present a work plan and proposed budget to the Legislative Council for its approval. The task force may not incur expenses that would result in the task force exceeding its approved budget.

Upon request from the task force, the Executive Director of the Legislative Council or the executive director's designee shall promptly provide the task force chairs and staff with a status report on the task force budget, expenditures incurred and paid and available funds.

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

**READ** and **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent for concurrence.

---

**CONSENT CALENDAR**

**First Day**

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

(H.P. 71) (L.D. 80) Bill "An Act to Allow Certified Insurance Counselors to Qualify as Risk Managers" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass**

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

---

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, February 1, 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 to Adopt the Model Business Corporation Act in Maine"

(H.P. 283) (L.D. 361)

(Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested)

TABLED - January 30, 2001 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **REFERENCE**.

On motion of Representative RICHARDSON of Brunswick, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

---

Bill "An Act to Restore the Passage of Alewives on the St. Croix River" (EMERGENCY)

(H.P. 287) (L.D. 365)

(Committee on **INLAND FISHERIES AND WILDLIFE** suggested)

TABLED - January 30, 2001 (Till Later Today) by Representative DUNLAP of Old Town.

PENDING - **REFERENCE**.

On motion of Representative DUNLAP of Old Town, the Bill was **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and the Committee on **MARINE RESOURCES**, ordered printed and sent for concurrence.

---

Bill "An Act Regulating the Transportation of Water"

(H.P. 298) (L.D. 376)

(Committee on **NATURAL RESOURCES** suggested)

TABLED - January 30, 2001 (Till Later Today) by Representative COWGER of Hallowell.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **NATURAL RESOURCES** and sent for concurrence.

---

JOINT ORDER - Relative to amending Joint Rule 304

(H.P. 314)

TABLED - January 30, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - Motion of Representative MENDROS of Lewiston to **REFER** to the **JOINT SELECT COMMITTEE ON JOINT RULES**. (Division Ordered)

A vote of the House was taken. 102 voted in favor of the same and 1 against, and accordingly the Joint Order was **REFERRED** to Joint Select Committee on **JOINT RULES** and sent for concurrence.

---

At this point, a message came from the Senate, borne by Senator Davis of Piscataquis of that Body, proposing a Joint Convention to be held in the Hall of the House at 10:45 o'clock in the morning for the purpose of extending to the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court, an invitation to attend the Joint Convention and to make such communication as pleased him.

---

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:45 o'clock in the morning and the Speaker appointed Representative COLWELL of Gardiner to convey this message to the Senate.

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, February 1, 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 to Protect the Privacy of Maine Physicians"  
(S.P. 110) (L.D. 336)

- In Senate, REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

TABLED - January 30, 2001 (Till Later Today) by Representative LaVERDIERE of Wilton.

PENDING - REFERENCE in concurrence.

Subsequently, the Bill was REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and sent for concurrence.

---

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

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

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested)

TABLED - February 1, 2001 (Till Later Today) by Representative BERRY of Livermore.

PENDING - REFERENCE.

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

---

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

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

(Committee on **HEALTH AND HUMAN SERVICES** suggested)

TABLED - February 1, 2001 (Till Later Today) by Representative KANE of Saco.

PENDING - REFERENCE.

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

---

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

---

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

---

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

---

**IN CONVENTION**

The President of the Senate, the Honorable Michael H. Michaud, in the Chair.

The Convention was called to order by the chair.

On motion of President Pro Tem from Oxford, Senator Bennett, 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 Cumberland, Sen. Rand

The Sen. from York, Sen. McAlevey

The Sen. from Oxford, Sen. Ferguson

The Rep. from Wilton, Rep. LaVerdiere

The Rep. from Turner, Rep. Jacobs

The Rep. from Vassalboro, Rep. Mitchell

The Rep. from South Portland, Rep. Muse

The Rep. from Auburn, Rep. Simpson

The Rep. from Augusta, Rep. Madore

The Rep. from Bridgton, Rep. Waterhouse

The Rep. from Lewiston, Rep. Mendros

The Rep. from Hodgdon, Rep. Sherman

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

---

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

---

The Chair recognized on the floor of the House the Honorable Robert Clifford, Associate Justice of the Maine Supreme Judicial Court; the Honorable Howard H. Dana Jr., Associate Justice of the Maine Supreme Court; the Honorable Donald Alexander, Associate Justice of the Maine Supreme Judicial Court; the Honorable Susan W. Calkins, Associate Justice of the Maine Supreme Judicial Court; the Honorable Jon D. Levy, Chief Justice of the Maine District Court; the Honorable Vendean V. Vafiades, Deputy Chief Judge of the Maine District Court; John David Kennedy, Case Management Officer; Joan M. Kidman, Case Management Officer.

---

The Chair recognized in the House Gallery, Ted Glessner, State Court Administrator; 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; Mrs. Barbara Alexander, Wife of Associate Justice Donald Alexander; Mrs. Miriam Levy, wife of District Court Judge Jon Levy and Mrs. Elsi Viles, a good friend of the Chief Justice.

---

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

Governor King, President Michaud, Speaker Saxl, President Pro Tem Bennett, members of the 120th Legislature, colleagues, and fellow Mainers:

Each year I report to you on the quality of justice in our State. Always, the question is: Can our system of laws do a better job of protecting each of us? In preparing to answer that question today, I reviewed all eight of the addresses I have delivered since becoming Maine's Chief Justice. My father always said that I talked too much and he was right. But this much I can say -- these annual conversations with you have been productive.

We have truly come a long way since 1992. You have to remember that in the early 90's, financially we were the hardest hit court system in the United States. Some things still haven't changed. Our court system remains undersized and we need more people behind the bench and counter to serve you. We began the 90's with a budget for the Third Branch that represented 1.8 percent of the total state budget. Today, it is just 1.7 percent.

Citizens still experience delay and expense in some important types of litigation, and we need to do more to protect people from crimes of violence, particularly within their own home. But setting that aside for the moment, if you consider where we started, the conclusion is unmistakable -- we have improved the quality of justice for the people of Maine and we have done it with very little. How can we extend and continue this decade of progress?

My father's admonition reminds me of an old story about an Agricultural Extension Agent from the University who went out to speak to a group of farmers. It was a cold, snowy night and when he arrived at the Amity Grange Hall, there was only one old farmer sitting there. After waiting awhile, the agent said: "Well, I am here and my speech is all prepared. Do you want me to go ahead or not?" The farmer said: "When I go out to slop the hogs and only one pig comes to the trough, I still feed him." The agent began his speech and spoke nonstop for two hours. When he finally finished, the farmer sat there sort of wall-eyed and numb. The agent asked: "How did you like my speech?" The farmer said: "Well, it was good, but I forgot to mention when only one pig comes, I don't give him both pails."

Well, there is a good crowd here today, but I am not going to give you both pails. I want to review briefly two of our achievements and focus on what I think is the key to continued progress. Our government is a system of checks and balances, but sometimes we have focused on the checks and forgotten the balances.

In recent years, however, with only a modest investment, we have made real progress in helping real people. But only because we have worked together. Let me offer a couple of examples.

Just four years ago I stood in this very spot and asked you to support the establishment of Maine's version of a Family Court. This Legislature, Governor King, and the Department of Human Services worked along with us and the very next year I reported that thousands of cases and families were receiving time and attention we had been unable to provide before.

Today, after two and one half years of successful operation, your Judiciary Committee has a report that documents our success in providing prompt attention to the needs of all children -- 15,000 conferences and hearings a year in just those divorces involving minor children. We have also greatly expanded the services made available to troubled families, including a statewide parent education program. These added court

services put great strain on our clerks' offices, but they have fought to keep up because they care.

A recent survey of 800 parents and 360 attorneys tells the tale. At the conclusion of their court hearing, parents were asked to rate the Case Management Officers on such things as courtesy, efficiency, patience, and fairness. They were also asked whether they understood what happened in court, whether they had an opportunity to explain things, and whether they felt the process was helpful in resolving children's issues. More than ninety-five percent of the parents rated the work of the Case Management Officers as excellent or good and the bulk of those responses fell in the excellent category. The only less than ringing response related to delay.

Attorneys and child support agents were equally positive in their assessment, ninety-five percent plus high approval. This report confirms that the Family Division is a great success and the best thing we have ever done.

David Kennedy and Joan Kidman are two of our eight hard-working and talented Case Management Officers. Join me in thanking them for a job well done. The entire Family Division represents a One Million Dollar investment in Maine families, but only one-third of that sum comes from the General Fund. The balance, reimbursed from federal child support enforcement funding, reflects our strong national commitment to effectively enforce parental responsibility in lieu of relying on a system of welfare.

Maine's Family Court is a great example of Yankee ingenuity and frugality, and it has the capacity to grow with us. This year, for example, both parents and statistics tell us that we need one more Case Management Officer in order to keep up. The total cost to the State -- \$27,000. It is your call this year, whether that is a wise investment in helping the families in your community. I hope your answer is yes. A second example of collaboration between the three branches is the Drug Court program mentioned the other night by Governor King. Just two years ago, I asked the Governor and this Legislature to help establish a Juvenile Drug Court. Today, we have fully operational Juvenile Drug Courts serving seven court locations and will soon start a new one in Lewiston. Six Adult Drug Courts will open on March 5, providing intensive treatment and supervision of offenders from both the Superior and District Courts in six counties.

The juvenile project brought us four new District Court Judges and five Drug Court Administrators. The total annual cost to the State is ten percent, about \$75,000, with the remainder being channeled to us by the Department of Corrections from a federal block grant. This enduring partnership includes the Office of Substance Abuse and all the players in the juvenile justice system.

A recent independent review of our Juvenile Drug Courts noted that although the program targets high risk offenders, many of the participants have improved their home life, become gainfully employed or returned to school. These early results are impressive. Drug Courts are not only punishing criminal behavior, they are going beyond that to break the cycle of crime by correcting the underlying problem -- substance abuse. The Drug Court method is a more difficult and demanding regimen than prison and in one visit, I witnessed unparalleled honesty, sensitivity, and an ethic of caring combined with strict accountability in the form of curfews, house arrest, drug tests, frequent monitoring and, whenever needed, immediate incarceration.

Drug Courts use the stick, but also the carrot, and I knew something had changed when I heard judges referring to juvenile defendants as "my kids." Listen to the words of one judge: "I never woke up in the night and worried about my work until I started working with this group of young people. They started on drugs and alcohol so young, some using regularly as early as seven or eight years old. (The average age for first use in some locations is nine.) Smoking dope, swallowing illegal prescription drugs, drinking hard liquor, and smoking cigarettes. They hardly know themselves unless they are under the influence of substances. I have a girl who came into Drug Court using pot and illegal anti-depressants. She was living with an unrelated adult male and had been sexually abused by members of her own family. Today, she is living in her own apartment, going to school full time, getting A's and B's. She is working and has been clean for four months. Being a Drug Court Judge is very personal."

I could tell you about another judge who took her kids on a wilderness challenge course. One juvenile, offered the choice between a detention facility and the event, reluctantly agreed to go. With strong encouragement from another juvenile, she scaled a rope thirty feet in the air and found her self-esteem and that made all the difference. Transformational experiences are not isolated incidents in Drug Court, nor are they confined to the offender. One participant, having vandalized a professional office, was ordered to victim-offender mediation. At the conclusion of the session, the victim offered the juvenile a job.

The weekly court sessions are attended by the parents, the probation officers, substance abuse counselors, lawyers, and the Drug Court Coordinators. We have built a real community to discipline, strengthen, and help our troubled kids and their parents to help themselves.

Don't be confused by labels. Family Courts and Drug Courts are just two applications of a shift in court operations from passive adjudication to active intervention. A similar shift was previously implemented in child protection cases. You heard the Governor announce increased adoption figures the other night. It is true, cases alleging child abuse and neglect are moving, and we are now challenged to make certain that the delivery of family services keeps up with the accelerated pace of litigation.

These problem-solving courts ain't your father's courts. They are new, different. And destined to be popular. People now call for a "Drug Court approach" to deal with all sorts of social problems. Problem-solving courts have great potential, but they require a dramatic increase in time and attention, and a balanced addition of courthouse staff.

I would like to be able to finish today by saying that we have also turned the corner in stopping the violence that destroys our families, haunts our schools, and threatens our state. But no matter what part of the court docket you look at, domestic violence is there in growing numbers. I have talked about violence in every one of my eight speeches, but more than talk is needed. There is a lot of momentum, and I hope this is the year we act decisively, but it is a big challenge.

Family violence has a long history and attitudes are deeply ingrained. In early America, it was not an assault for a man to whip his wife provided he used a switch no bigger around than his thumb. Hence, the popular expression "the rule of thumb." By the late 1800's, courts in America explicitly rejected this rule, but they did so in the following words: "Courts have advanced from that barbarism until they have reached the position that the husband has no right to chastise his wife under any

circumstances." (So far, so good, but the court continues:) "But from motives of public policy -- in order to preserve the sanctity of the domestic circle, courts will not listen to trivial complaints. If no permanent injury has been inflicted, nor malice, cruelty nor dangerous violence shown by the husband, it is better to draw the curtain, shut out the public gaze, and leave the parties to forget and forgive."

Those haunting words, "forget and forgive" were written by a court in another state in 1874, but they shaped the 20th century in Maine and find occasional expression even today. Fortunately, the judicial attitude in Maine has changed. Maine judges get it -- family violence is never trivial. Our watchword for the 21st Century should be: "Whether the victim forgives or not, let us never forget."

Even though Maine judges, prosecutors, police, and advocacy groups "get it," we are all part of a system, and that system hasn't quite "got it" yet. What must we do to make courts effective champions in this struggle for personal safety, simple human dignity, and zero tolerance?

A few quick suggestions: A uniform bail policy and effective training and supervision of bail commissioners. Already underway. Additional intensive judicial and staff training. Scheduled for next September. From this point on, however, we need your help.

First, safe and accessible courthouses for all. I have good news, Governor King has included our plan for improved court security in his biennial budget. Entry screening, to keep weapons out of the courthouse, will no longer be a random event in one county, it will be a routine part of court operations around the entire state and the level of security will essentially be doubled. I ask you to invest in victim safety before a tragedy happens rather than after.

Let us also make a modest investment in assessing courthouse compliance with the Americans with Disabilities Act so that we serve all citizens equally. A friend of mine died this year, some of you knew him. Ron Hanson spent his adult life working to change the way you and I look at people with disabilities. Ron, Representative Schneider, and many others have convinced me: Every courthouse in Maine must be accessible to all.

Second, increased judicial monitoring and enforcement of bail and release conditions. Batterers intervention programs will work only if the judge remains actively involved. We may be able to do that without additional judges, but we have a critical need for a total of twenty-two additional clerical positions. Active intervention and problem-solving requires staff, and again I ask for your support.

Third, I want to repeat my call to take the bargain out of violence. Our criminal justice system is forced to rely on sentence bargaining in crimes of violence and that sends the wrong message to the offender and often insults the victim. Let me make sure you understand what I am saying. There are no silver bullets. The bargain will be taken out of violence only if you provide the additional prosecutors, special investigators and courthouse staff required for vigorous and full enforcement of the law.

Without those additional people, we are kidding ourselves and endangering the victim. Their struggle for safety will be lost if we continue trying to protect them with one hand tied behind our back. Let the violent offender face the full force of the law, no bargains. To do this, we need a carefully balanced and collaborative effort from all three branches of our government.

I could go on and on and give you the second pail, but I am going to stop. Today, I am not asking you to accept my solutions. To this point we have all struggled to do a better job in dealing with domestic violence, but we have done so separately and independently. Parallel and fragmented efforts at reform are doomed to fail. The three branches of Maine's government must work together. One branch wields the sword, one controls the purse, and the third has neither force nor will but merely judgment. There are times when one branch needs to check or negate the other, but here we need balance. Can we bring our strength, our wealth, and our judgment to bear on Public Enemy #1 -- violence? Yes, if we work together.

There is a fresh willingness within state government today to do just that. I am honored to serve as the Chair of the Children's Council that this Legislature created in its last session. Serving with me are Commissioners Albanese, Concannon, DUBY, Kelly, and Magnusson together with seven members of this Legislature: Senate President Michaud, Senator Longley, and Senator Small, Representatives O'Brien, O'Brien, Sherman and Watson. (Sounds like a law firm doesn't it.)

Just two weeks ago at our second meeting, we agreed to lay aside the checks and seek the balances in dealing with two important issues for our state -- substance abuse and the delivery of services to families and children. Contrary to popular belief, it is never easy to drop the role of the critic, roll up your sleeves, and work together. It takes honesty, humility, and perseverance, but mostly mutual respect and patience.

When I spoke at Morse High School recently, my implicit message to those who disrupt schools with bomb scares was this: "You have a personal stake in the success of this school. I don't care if you are at the bottom of your high school class, there is a place for you in life and you will find it, but you are

building the foundation for your entire life right here." Today, my message is the same. We all have a personal stake in the quality of justice and the protection the law affords to those most vulnerable and innocent. Daily, we are building the foundation for the future of our own families, our communities, our economy and our State. Let us work together and build for all.

---

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

---

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

---

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

---

(After the Joint Convention)

---

The House was called to order by the Speaker.

---

On motion of Representative NORBERT of Portland, the House adjourned at 11:38 a.m., until 9:00 a.m., Thursday, February 8, 2001 in honor and lasting tribute to Robert B. Ganley, of Portland.