

MAINE STATE LEGISLATURE

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

Volume I

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ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
32nd Legislative Day
Thursday, April 5, 2001

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

Prayer by Sister Rita Bujold, Most Holy Trinity Church, Saco.
National Anthem by Gray-New Gloucester High School Chorus.

Pledge of Allegiance.

Doctor of the day, Behzad Fakhery, M.D., Auburn.

The Journal of yesterday was read and approved.

SENATE PAPERS

Resolve, to Authorize the Northern Maine Technical College to Transfer .26 Acres of Land to the City of Presque Isle to Ensure Road Safety

(S.P. 591) (L.D. 1766)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Resolution was received, and upon the recommendation of the Committee on Reference of Bills was **REFERRED** to the following Committee, ordered printed and sent for concurrence:

APPROPRIATIONS AND FINANCIAL AFFAIRS

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a 2/3 Vote for the Maine Government Facilities Authority to Issue Securities

(H.P. 1298) (L.D. 1767)

Presented by Representative WATERHOUSE of Bridgton.

Cosponsored by Senator LEMONT of York and Representatives: KASPRZAK of Newport, McKENNEY of Cumberland, O'BRIEN of Augusta, Senator: DAVIS of Piscataquis.

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

ORDERS

On motion of Representative TRAHAN of Waldoboro, the following Joint Order: (H.P. 1299) (Under suspension of the rules, cosponsored by Senator KILKELLY of Lincoln and Representatives: ASH of Belfast, BAKER of Bangor, BOWLES of Sanford, CARR of Lincoln, CHASE of Levant, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, CRESSEY of Baldwin, DAVIS of Falmouth, DUGAY of Cherryfield, DUNLAP of Old Town, GOOLEY of Farmington, GREEN of Monmouth, HATCH of Skowhegan, HEIDRICH of Oxford, HONEY of Boothbay, HUTTON of Bowdoinham, JACOBS of Turner, LOVETT of Scarborough, MacDOUGALL of North Berwick, McGLOCKLIN of Embden, McKEE of Wayne, McKENNEY of Cumberland, MURPHY of Kennebunk, MUSE of South Portland, NUTTING of Oakland,

O'BRIEN of Augusta, PERKINS of Penobscot, SHIELDS of Auburn, SNOWE-MELLO of Poland, SULLIVAN of Biddeford, TARAZEWICH of Waterboro, TRACY of Rome, TREADWELL of Carmel, TUTTLE of Sanford, TWOMEY of Biddeford, WATSON of Farmingdale, YOUNG of Limestone, Senators: DAGGETT of Kennebec, DAVIS of Piscataquis, WOODCOCK of Franklin)

ORDERED, the Senate concurring, that the Committee to Examine the Availability of Textbooks in Primary and Secondary Schools is established as follows.

1. Committee established. The Committee to Examine the Availability of Textbooks in Primary and Secondary Schools, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 5 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate; and

B. Three members of the House of Representatives appointed by the Speaker of the House.

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. Appointments; convening of committee. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon their making their appointments. When appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee no later than July 30, 2001.

5. Duties. The committee shall:

A. Examine the availability of textbooks in primary and secondary schools;

B. Determine in which grade levels in which school administrative units, as defined in the Maine Revised Statutes, Title 20-A, section 1, subsection 26, textbooks are used and the age and condition of these textbooks; and

C. Determine the level of unmet need for textbooks in terms of the number of textbooks needed and the cost for these textbooks.

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

7. Compensation. Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at authorized meetings of the committee.

8. Report. The committee shall submit a report along with any recommended legislation to the Second Regular Session of the 120th Legislature by January 15, 2002. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

9. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chairs and staff with a status report on the committee budget, expenditures incurred and paid and available funds.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent for concurrence.

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 25)

ORDERED, that Representative Christina L. Baker of Bangor be excused Tuesday, April 3rd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Lawrence Bliss of South Portland be excused Tuesday, April 3rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph C. Brannigan of Portland be excused Thursday, March 29th, Friday, March 30th and Saturday, March 31st for health reasons.

AND BE IT FURTHER ORDERED, that Representative Shirley K. Richard of Madison be excused Wednesday, March 28th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Stephen S. Stanley of Medway be excused Thursday, January 11th, Tuesday, January 16th, Thursday, January 18th, Tuesday, January 23rd, Tuesday, February 6th, Thursday, February 8th, Tuesday, February 13th, Thursday, February 15th, Tuesday, February 20th, Thursday, February 22nd, Tuesday, March 20th for health reasons.

READ and **PASSED**.

REPORTS OF COMMITTEE

Change of Committee

Report of the Committee on **TAXATION** on Bill "An Act to Prohibit Grocery Stores From Charging Maine Farmers Access Fees, Slotting Fees and Rebates"

(S.P. 470) (L.D. 1534)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Representative BERRY from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide 4 Additional Personnel to the Department of Human Services Community Services Center"

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

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent for concurrence.

CONSENT CALENDAR First Day

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

(S.P. 151) (L.D. 495) Bill "An Act to Amend the Small Power Production and Cogeneration Laws" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-38)**

(H.P. 146) (L.D. 157) Bill "An Act to Clarify Marketing Standards for Telephone Utilities and Competitive Electricity Providers" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-93)**

(H.P. 199) (L.D. 229) Resolve, Directing the Department of Inland Fisheries and Wildlife to Submit a Proposal to Encourage the Harvest of Coyotes Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-98)**

(H.P. 232) (L.D. 269) Bill "An Act to Implement the Recommendations Relating to Education Made by the Joint Study Committee to Study Bomb Threats in Maine Schools" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-94)**

(H.P. 732) (L.D. 952) Bill "An Act to Correct Errors in the Laws Regarding Court Unification" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-95)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 218) (L.D. 783) Bill "An Act to Update the Probate Code" (C. "A" S-37)

(H.P. 782) (L.D. 1026) Bill "An Act to Provide George J. Mitchell and William S. Cohen Lifetime License Plates"

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

BILLS IN THE SECOND READING

House As Amended

Resolve, to Establish a Fatherhood Issues Study Commission

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

(C. "A" H-87)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

ENACTORS

Emergency Measure

An Act to Implement the Recommendations of the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households

(H.P. 29) (L.D. 29)
(C. "A" H-48)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Reallocate a Portion of the Calendar Year 1999 Allocation of State Ceiling

(S.P. 196) (L.D. 668)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Change the Deadline for the Reporting of a Pilot Project Regarding Ambulance Drivers

(H.P. 522) (L.D. 677)
(C. "A" H-53)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Regarding Variances to the Implementation Dates of the Nutrient Management Law

(S.P. 266) (L.D. 913)
(C. "A" S-20)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Extend Workers' Compensation Twenty-four-hour Pilot Projects

(H.P. 152) (L.D. 163)
(C. "A" H-41)

An Act to Protect Animals and Ensure the Public Has Notice Regarding Veterinary Fees and Care

(H.P. 228) (L.D. 265)
(C. "A" H-46)

An Act to Encourage Smoke-free Hospitals in Maine

(H.P. 293) (L.D. 371)

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)
(C. "A" H-50)

An Act to Clarify Mutual Aid Agreements Between Law Enforcement Agencies

(H.P. 632) (L.D. 832)

An Act Concerning Workers' Compensation Health Care Providers

(H.P. 757) (L.D. 976)
(C. "A" H-51)

An Act to Require Background Checks for Adoptions

(H.P. 815) (L.D. 1070)
(C. "A" H-54)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

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

JOINT ORDER – Relative to requiring a 2/3 vote of approval in each House of the Legislature prior to the issuance of securities by the Maine Governmental Facilities Authority

(H.P. 1192)

TABLED – March 13, 2001 (Till Later Today) by Representative LaVERDIERE of Wilton.

PENDING – **PASSAGE**. (Roll Call Ordered)

On motion of Representative WATERHOUSE of Bridgton, the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED**.

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

SENATE PAPERS

The following Joint Order: (S.P. 593)

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

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

On motion of Representative JONES of Greenville, the House adjourned at 1:37 p.m., until 9:00 a.m., Tuesday, April 10, 2001 pursuant to the Joint Order (S.P. 593) and in honor and lasting tribute to Gordon M. Andrews, of Dover-Foxcroft.