

MAINE STATE LEGISLATURE

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

Volume III

Second Regular Session

March 7, 2002 – April 25, 2002

First Special Session

November 13, 2002 - November 14, 2002

Pages 1771-2574

Appendix
House Legislative Sentiments
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ONE HUNDRED AND TWENTIETH LEGISLATURE
SECOND REGULAR SESSION
27th Legislative Day
Monday, March 11, 2002

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

At this point, the House joined in a moment of silence for the purpose of commemorating the six-month anniversary of September 11, 2001 and the tragedy that occurred to many United States families and to families from throughout the world.

Prayer by Honorable Donna Loring, of the Penobscot Nation.
National Anthem by Loran Stevens, Indian Township.
Pledge of Allegiance.

Doctor of the day, Ray Nichols, M.D., Jonesport.

The Journal of Thursday, March 7, 2002 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 407)

STATE OF MAINE

120TH MAINE LEGISLATURE

January 23, 2002

Honorable Richard Stevens
Governor, Passamaquoddy Tribe

At Indian Township

P.O. Box 301

Princeton, ME 04668

Dear Governor Stevens:

It is our pleasure to invite you to visit the Legislature on Monday, March 11, 2002 to attend a Joint Convention to be held in the Hall of the House of Representatives at 10:30 a.m. for the purposes of reporting on the State of the Tribes in Maine.

We look forward to hearing from you and Governor Doyle and understand that you both wish to address the Joint Convention for a combined speaking time of 15 minutes or less.

In addition we are extending an invitation to Chief Barry Dana of the Penobscot Nation.

Thank you for your consideration and we look forward to your acceptance of this invitation.

Sincerely,

S/Richard A. Bennett

President of the Senate

S/Michael V. Saxl

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 408)

STATE OF MAINE

120TH MAINE LEGISLATURE

January 23, 2002

Honorable Richard Doyle
Governor, Passamaquoddy Tribe

At Pleasant Point

P.O. Box 343

Perry, ME 04667

Dear Governor Doyle:

It is our pleasure to invite you to visit the Legislature on Monday, March 11, 2002 to attend a Joint Convention to be held in the Hall of the House of Representatives at 10:30 a.m. for the purposes of reporting on the State of the Tribes in Maine.

We look forward to hearing from you and Governor Stevens and understand that you both wish to address the Joint Convention for a combined speaking time of 15 minutes or less.

In addition we are extending an invitation to Chief Barry Dana of the Penobscot Nation.

Thank you for your consideration and we look forward to your acceptance of this invitation.

Sincerely,

S/Richard A. Bennett

President of the Senate

S/Michael V. Saxl

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 409)

PASSAMAQUODDY TRIBE

JOINT TRIBAL COUNCIL

March 5, 2002

Honorable Michael V. Saxl

Speaker of the House

State of Maine

120th Maine Legislature

2 State House Station

Augusta, ME 04333

Dear Speaker Saxl:

Thank you for your invitation to visit at the Legislature on Monday, March 11, 2002. Both of us are looking forward to attending and speaking at the Joint Convention to be held at the Hall of the House of Representatives at 10:30 a.m.

Cordially yours,

S/Richard M. Doyle, Governor

Passamaquoddy Tribe

Pleasant Point Reservation

S/Richard Stevens

Passamaquoddy Tribe

Indian Township Reservation

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 410)

STATE OF MAINE

120TH MAINE LEGISLATURE

January 23, 2002

Honorable Barry Dana

Chief, Penobscot Nation

6 Indian Road

Indian Island, ME 04468

Dear Chief Dana:

It is our pleasure to invite you to visit the Legislature on Monday, March 11, 2002 to attend a Joint Convention to be held in the Hall of the House of Representatives at 10:30 a.m. for the purposes of reporting on the State of the Tribes in Maine.

We look forward to hearing from you and understand that you wish to address the Joint Convention for 15 minutes or less.

In addition we are extending an invitation to Governor Doyle and Governor Stevens of the Passamaquoddy Tribe.

Thank you for your consideration and we look forward to your acceptance of this invitation.

Sincerely,

S/Richard A. Bennett

President of the Senate

S/Michael V. Saxl

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 411)
**OFFICE OF THE GOVERNOR AND COUNCIL
PENOBSCOT INDIAN NATION
COMMUNITY BUILDING
INDIAN ISLAND, MAINE 04468**

February 11, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
State of Maine

120th Maine Legislature
3 State House Station
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

It is with great pleasure that I accept your invitation to visit the Legislature. I will be honored to address the Joint Convention on Monday, March 11, 2002. Thank you again.

Sincerely,

S/Barry Dana, Chief

Penobscot Indian Nation

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 404)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 7, 2002

The Honorable Richard A. Bennett, President

The Honorable Michael V. Saxl, Speaker

120th Maine Legislature

State House

Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on State and Local Government from the review and evaluation of the Maine Municipal Bond Bank under the State Government Evaluation Act. The committee finds that the bond bank is operating within its statutory authority.

Sincerely,

S/Sen. Peggy Pendleton

Senate Chair

S/Rep. John McDonough

Acting House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 405)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 7, 2002

The Honorable Richard A. Bennett, President

The Honorable Michael V. Saxl, Speaker

120th Maine Legislature

State House

Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on State and Local Government from the

review and evaluation of the Maine State Planning Office under the State Government Evaluation Act. The committee finds that the State Planning Office is operating within its statutory authority.

Sincerely,

S/Sen. Peggy Pendleton

Senate Chair

S/Rep. John McDonough

Acting House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 406)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 7, 2002

The Honorable Richard A. Bennett, President

The Honorable Michael V. Saxl, Speaker

120th Maine Legislature

State House

Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on State and Local Government from the review and evaluation of the Office of the State Treasurer under the State Government Evaluation Act. The committee finds that the Office of the State Treasurer is operating within its statutory authority.

Sincerely,

S/Sen. Peggy Pendleton

Senate Chair

S/Rep. John McDonough

Acting House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 412)

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

March 7, 2002

The Honorable Richard A. Bennett, President

The Honorable Michael V. Saxl, Speaker

120th Maine Legislature

State House

Augusta, ME 04333

Dear President Bennett and Speaker Saxl:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings and recommendations of the Joint Standing Committee on Business and Economic Development from the review and evaluation of the Finance Authority of Maine under the State Government Evaluation Act. In its review, the committee found that FAME is operating within its statutory authority.

Sincerely,

S/Sen. Kevin Shorey

Senate Chair

S/Rep. John Richardson

House Chair

Sent for concurrence.

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 605)
SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003

March 7, 2002

The Honorable Michael V. Saxl
 Speaker of the House
 2 State House Station
 Augusta, ME 04333

Dear Speaker Saxl:

In accordance with Joint Rule 506 of the 120th Legislature, please be advised that the Senate today has confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs the nomination of Elinor Multer of Orr's Island, for reappointment to the State Board of Education.

Upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs the nomination of Joyce McPhetres of Waterville, for reappointment to the State Board of Education.

Upon the recommendation of the Joint Standing Committee on Judiciary the nomination of Honorable Jon Levy of York, for appointment as an Associate Justice of the Supreme Judicial Court.

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Provide Government with the Necessary Authority to Respond to a Public Health Emergency Caused by an Act of Bioterrorism"

(H.P. 1656) (L.D. 2164)

Sponsored by Speaker SAXL of Portland. (GOVERNOR'S BILL)
 Cosponsored by President BENNETT of Oxford.

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

On motion of Representative KANE of Saco, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Resolve, to Allow Julie Harrington to Sue the State

(H.P. 1659) (L.D. 2165)

Sponsored by Representative HASKELL of Milford.
 Cosponsored by Senator YOUNGBLOOD of Penobscot and Representatives: CHASE of Levant, DUPLESSIE of Westbrook, GOODWIN of Pembroke, McDONOUGH of Portland, TREADWELL of Carmel.

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

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

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

ORDERS

On motion of Representative LORING of the Penobscot Nation, the following Joint Resolution: (H.P. 1660) (Under suspension of the rules, cosponsored by Senator CATHCART of Penobscot and Representatives: BROOKS of Winterport, BRYANT of Dixfield, BUNKER of Kossuth Township, ESTES of Kittery, FISHER of Brewer, KOFFMAN of Bar Harbor, O'NEIL of Saco, SCHNEIDER of Durham, SHERMAN of Hodgdon, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, TWOMEY of Biddeford, Senators: DAGGETT of Kennebec, ROTUNDO of Androscoggin, SMALL of Sagadahoc, TREAT of Kennebec)

JOINT RESOLUTION RECOGNIZING THE FIRST FORMAL "STATE OF THE TRIBES" ADDRESS TO A JOINT CONVENTION OF THE MAINE LEGISLATURE

WHEREAS, the Wabanaki, People of the Dawnland, have lived in what is now Maine for thousands of years; and

WHEREAS, the Wabanaki, including the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs, have played and continue to play a vital role in the life of the State and are an integral part of the social, economic and legal fabric of the State; and

WHEREAS, the State values and honors the vibrant culture and heritage of these native peoples and has great respect for their tribal governments; and

WHEREAS, representatives of the Passamaquoddy Tribe and Penobscot Nation have served in the Legislature since the earliest days of Maine's statehood; and

WHEREAS, no tribe has ever delivered a formal "State of the Tribes" address to a joint convention of the Legislature and doing so is a truly historic occasion; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the Second Regular Session, on behalf of the people of the State of Maine make history as we recognize March 11, 2002 as the date of the first ever "State of the Tribes" address at the Legislature; and be it further

RESOLVED: That the One Hundred and Twentieth Legislature pays tribute to the native peoples of the State and their tribal governments; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Governors and Chiefs of each of the State's Wabanaki communities on behalf of the people of the State of Maine.

READ and **ADOPTED.**

Sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Five Members of the Committee on **INLAND FISHERIES AND WILDLIFE** report in Report "A" **Ought to Pass** on Bill "An Act to Ban the Use of Aircraft While Hunting"

(S.P. 746) (L.D. 2078)

Signed:

Senators:

CARPENTER of York

KILKELLY of Lincoln

WOODCOCK of Franklin

Representatives:

TRAHAN of Waldoboro

HONEY of Boothbay
Five Members of the same Committee report in Report "B"
Ought to Pass as Amended by Committee Amendment "A"
(S-455) on same Bill.

Signed:

Representatives:

DUNLAP of Old Town
CHICK of Lebanon
USHER of Westbrook
McGLOCKLIN of Embden
BRYANT of Dixfield

Three Members of the same Committee report in Report "C"
Ought Not to Pass on same Bill.

Signed:

Representatives:

CLARK of Millinocket
PERKINS of Penobscot
TRACY of Rome

Came from the Senate with Report "A" **OUGHT TO PASS**
READ and **ACCEPTED** and the Bill **PASSED TO BE**
ENGROSSED.

READ.

On motion of Representative COLWELL of Gardiner,
TABLED pending **ACCEPTANCE** of any Report and later today
assigned.

Majority Report of the Committee on **HEALTH AND HUMAN**
SERVICES reporting **Ought to Pass as Amended by**
Committee Amendment "A" (H-875) on Bill "An Act to Promote
the Health of Maine Women and Girls" (EMERGENCY)
(H.P. 1510) (L.D. 2013)

Signed:

Senator:

LONGLEY of Waldo

Representatives:

DUGAY of Cherryfield
O'BRIEN of Augusta
KANE of Saco
FULLER of Manchester
LAVERRIERE-BOUCHER of Biddeford
DUDLEY of Portland

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

NUTTING of Oakland
SHIELDS of Auburn

READ.

Representative KANE of Saco moved that the House
ACCEPT the Majority **Ought to Pass as Amended** Report.

Representative KASPRZAK of Newport **REQUESTED** a roll
call on the motion to **ACCEPT** the Majority **Ought to Pass as**
Amended Report.

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 Falmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, May I pose a question
through the Chair?

The SPEAKER: The Representative may pose his question.

Representative DAVIS: Mr. Speaker, Men and Women of the
House. Would somebody please explain the bill?

The SPEAKER: The Representative from Falmouth,
Representative Davis has posed a question through the Chair to
anyone who may care to respond. The Chair recognizes the
Representative from Saco, Representative Kane.

Representative KANE: Mr. Speaker, Men and Women of the
House. This bill represents a continuation of a women's health
initiative begun in the 119th Legislature and coordinated by the
Department of Human Services within the Bureau of Health. The
purpose of the initiative is to improve the health status of and
access to health services for women and for girls. The major
focus on the pilot project to date have been on cardiovascular
disease, a statewide girl's health summit and an effort to address
chronic diseases that particularly affect women.

The SPEAKER: The Chair recognizes the Representative
from Newport, Representative Kasprzak.

Representative KASPRZAK: Mr. Speaker, May I pose a
question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative KASPRZAK: Mr. Speaker, Men and Women
of the House. To anyone who might answer this question, in the
119th Legislature \$200,000 was appropriated for this purpose
behind this bill. I would like to know where that money has been
spent? Thank you.

The SPEAKER: The Representative from Newport,
Representative Kasprzak has posed a question through the Chair
to anyone who may care to respond. The Chair recognizes the
Representative from Saco, Representative Kane.

Representative KANE: Mr. Speaker, Ladies and Gentlemen
of the House. The funds have been spent to date on pilot
projects statewide in an effort to provide significant information
about and access to existing health services that could help
women and girls. The committee, in its wisdom, decided that the
fiscal note requested was much too great and cut it by more than
50 percent to \$100,000.

The SPEAKER: The Chair recognizes the Representative
from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, May I pose a question
through the Chair?

The SPEAKER: The Representative may pose his question.

Representative BUCK: Mr. Speaker, Ladies and Gentlemen
of the House. To anyone who can answer this, I notice this is for
women and girls, is there a comparable program from men and
boys or is this just one of these politically correct thing that we do
to make ourselves look good?

The SPEAKER: The Representative from Yarmouth,
Representative Buck has posed a question through the Chair to
anyone who may care to respond. The Chair recognizes the
Representative from Gardiner, Representative Colwell.

Representative COLWELL: Mr. Speaker, Men and Women
of the House. I certainly appreciate the good Representative
from Yarmouth's question and I will try to answer it. I think over
the course of 200 years of this county, we have had men's health
initiatives. I think that that is the point of this legislation. I am not
going to have a clever, happy answer to explain why over the
course of 200 years when we have done health studies, we have
always focused on the needs of men. Why we have always used
men as the subject of those studies? I don't have a snappy
answer for that, but I guess I would suggest that since over 50
percent of the people in the State of Maine are women, that it is
time that we got our head out of the sand and recognized that the
health needs of women and girls in this state are very different
than those of men. For example, did you know that close to 70
percent of people who suffer from clinical depression are

women? Did you know that the heart attack symptoms for a woman are much different than they are for men? They don't have the elephant on the chest symptoms that men have. They don't necessarily have the tingling or numbness in the arms. I guess the point of this bill is to not only honor our commitment to greater than 50 percent of our population and to say that you do matter. Yes, your health needs are different. We are going to try to do something about it. The simple fact of the matter is, the reality is to try to raise awareness, to educate women and girls to the difference in their health care needs so that, in fact, we can save health care dollars in this state by getting them the preventive medicine and the appropriate proactive health care programs that they very well need that will make their lives better, make their quality of life better and yes, save us health care dollars throughout the whole system so that men, boys, women and girls will have better access to health care. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. After a little investigation of my own over the course of the weekend, I would just like to say that perhaps the reason that we are pushing this initiative for women is the men don't require abortion services. The same people who are on the advisory committee, the same groups are backing this initiative as are backing arguments against all pro-life legislation. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 498

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Bliss, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Hatch, Heidrich, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Madore, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McNeil, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, O'Brien JA, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Richard, Rines, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Stanley, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Bouffard, Buck, Chase, Clough, Cressey, Duprey, Foster, Haskell, Jodrey, Kasprzak, MacDougall, Mendros, Nutting, Shields, Snowe-Mello, Stedman, Treadwell, Waterhouse, Winsor.

ABSENT - Bagley, Baker, Blanchette, Bowles, Brannigan, Brooks, Dugay, Duplessie, Hawes, Landry, Lovett, Lundeen, Mailhot, Marrache, McLaughlin, Michael, Muse C, O'Brien LL, Quint, Richardson, Smith, Sullivan, Tessier, Watson.

Yes, 108; No, 19; Absent, 24; Excused, 0.

108 having voted in the affirmative and 19 voted in the negative, with 24 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-875)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the **Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-875)** and 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. 684) (L.D. 1886) Bill "An Act to Reduce the Fee Structure for Class II Liquor Licenses" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-453)**

(S.P. 712) (L.D. 1914) Bill "An Act to Make Minor Changes to the Maine Technology Institute's Statute and to Make Minor Changes to the Applied Technology Development Centers' Statute" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-452)**

(S.P. 736) (L.D. 2047) Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2003" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-450)**

(H.P. 1630) (L.D. 2132) Bill "An Act to Allow the Town of Lincoln to Adjust the Definition of Original Assessed Value for a Downtown Tax Increment Financing District" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 506) (L.D. 646) Bill "An Act to Establish the Maine Energy Advisory Council" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-882)**

(H.P. 1426) (L.D. 1864) Bill "An Act to Increase the Number of 'Construction-manager-at-risk' Alternative Delivery Pilot Projects for School Construction and to Increase the Maximum Project Cost of Projects Eligible for Alternative Delivery" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-879)**

(H.P. 1433) (L.D. 1930) Bill "An Act to Ensure the Fair Collection of Overpayments" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-884)**

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:

(H.P. 526) (L.D. 681) Bill "An Act to Amend the Law Concerning Possession of Firearms by Persons Convicted in Other States" (C. "A" H-862)

(H.P. 1414) (L.D. 1858) Resolve, to Improve the Health of Maine Citizens Through Hepatitis C Prevention and Detection (C. "A" H-860)

(H.P. 1466) (L.D. 1963) Bill "An Act to Amend the Laws Governing Eligibility for General Assistance" (C. "A" H-878)

(H.P. 1469) (L.D. 1970) Bill "An Act to Clarify the Status of Retirees Who Return to Service Under the Maine State Retirement System" (C. "A" H-874)

(H.P. 1486) (L.D. 1989) Bill "An Act Regarding Criminal History Record Checks" (C. "A" H-863)

(H.P. 1495) (L.D. 1998) Bill "An Act to Establish the Asthma Prevention and Control Program in the Department of Human Services, Bureau of Health" (C. "A" H-877)

(H.P. 1497) (L.D. 2000) Resolve, Directing the Department of Human Services to Apply for a Federal Waiver to Provide Medicaid Benefits to Uninsured Residents with a Diagnosis of Cancer (C. "A" H-876)

(H.P. 1499) (L.D. 2002) Resolve, Establishing a Commission to Study County Jail Population, Cost and Reimbursement by the State (EMERGENCY) (C. "A" H-861)

(H.P. 1503) (L.D. 2006) Bill "An Act to Protect Retirement Income" (C. "A" H-873)

(H.P. 1518) (L.D. 2022) Bill "An Act to Clarify the Sex Offender Registration and Notification Act of 1999" (EMERGENCY) (C. "A" H-865)

(H.P. 1521) (L.D. 2025) Bill "An Act to Make Certain Changes to the State's Child Support Enforcement Laws" (C. "A" H-868)

(H.P. 1536) (L.D. 2039) Bill "An Act Regarding the Administration of Epinephrine by Emergency Medical Personnel" (C. "A" H-864)

(H.P. 1576) (L.D. 2082) Bill "An Act to Amend the Subdivision Review Criteria for Traffic" (C. "A" H-867)

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

BILLS IN THE SECOND READING
House as Amended

Bill "An Act to Prohibit a Convicted Sexual Offender From Acquiring Custody or Obtaining Visitation Rights Without Adult Supervision"

(H.P. 1468) (L.D. 1969)
(C. "A" H-870)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative LaVERDIERE of Wilton, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.

ENACTORS
Emergency Measure

An Act to Require the Owner of a Submerged Snowmobile or Boat to Remove the Snowmobile or Boat

(H.P. 1467) (L.D. 1968)
(C. "A" H-844)

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. 127 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide Retirement Equity for Capital Security Officers

(H.P. 1524) (L.D. 2028)
(C. "A" H-846)

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. 116 voted in favor of the same and 8 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Make the Use of Tokens or Tickets for Games of Chance at Agricultural Fairs Optional

(H.P. 1552) (L.D. 2055)
(C. "A" H-853)

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

Resolve, to Continue the Study of the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families

(H.P. 1556) (L.D. 2058)
(C. "A" H-847)

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

Representative NORBERT of Portland **REQUESTED** a roll call on **FINAL PASSAGE**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Final Passage. 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. 499

YEA - Ash, Berry RL, Bliss, Bouffard, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, MacDougall, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McNeil, Mendros, Michaud, Mitchell, Morrison, Norbert, Norton, O'Brien JA, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Richard, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Colwell, Crabtree, Cressey, Daigle, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, McKenney, Murphy E, Murphy T, Muse K, Nass, Nutting, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Winsor, Young.

ABSENT - Bagley, Baker, Blanchette, Bowles, Brannigan, Brooks, Duplessie, Landry, Lovett, Lundeen, Marrache, McLaughlin, Michael, Muse C, O'Brien LL, Quint, Richardson, Rines, Smith, Tessier.

Yes, 82; No, 49; Absent, 20; Excused, 0.

82 having voted in the affirmative and 49 voted in the negative, with 20 being absent, and accordingly and accordingly the Resolve **FAILED** of **FINAL PASSAGE**.

On motion of Representative COLWELL of Gardiner, the House **RECONSIDERED** its action whereby the Resolve **FAILED** of **FINAL PASSAGE**.

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

Acts

An Act to Authorize Certain Former Members of the Maine State Retirement System to Rejoin the Maine State Retirement System

(S.P. 682) (L.D. 1884)
(C. "A" S-445)

An Act to Clarify Municipal Reapportionment Authority

(H.P. 1446) (L.D. 1943)
(C. "A" H-850)

An Act to Amend Certain Statutes Regarding Beano and Games of Chance

(H.P. 1512) (L.D. 2015)
(C. "A" H-848)

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.

Resolves

Resolve, to Establish a Fatherhood Issues Study Commission

(H.P. 370) (L.D. 472)
(C. "B" H-852)

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

At this point, a message came from the Senate, borne by Senator Michaud of Penobscot of that Body, proposing a Joint Convention of both Branches to be held in the Hall of the House at 10:30 in the morning for the purpose of extending to the Honorable Richard Stevens, Governor of the Passamaquoddy Tribe at Indian Township, the Honorable Richard Doyle, Governor of the Passamaquoddy Tribe at Pleasant Point and the Honorable Barry Dana, Chief of the Penobscot Nation an invitation to attend the Joint Convention and to make such communication as pleases them.

An Act to Enact the Uniform Principal and Income Act of 1997

(H.P. 1173) (L.D. 1573)
(C. "A" H-851)

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

On motion of Representative NORBERT of Portland, was **SET ASIDE**.

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

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:30 in the morning and the

Speaker appointed Representative COLWELL of Gardiner to convey this message to the Senate.

An Act Regarding Certain Educational Requirements for Licensed Social Workers

(S.P. 709) (L.D. 1911)
(C. "B" S-435)

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

On motion of Representative McNEIL of Rockland, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Rockland, Representative McNeil.

Representative **MCNEIL**: Mr. Speaker, Ladies and Gentlemen of the House. Over the weekend, I became really confused about this issue. A social worker contacted me. She is a social worker that received a social work degree. She works at DHS in Rockland. She said that several people have trained under her and then go on to take this test. Although she covertly her social work degree, she is concerned that if we do not let people come through with the training course and taking a test, that we will have some major problems later. I was wondering if perhaps somebody could speak to that further for me?

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. The only thing this bill does is extend the date from the implementation of the law last year. It allows the people that are involved to get together for another year and discuss some of the problems that they have. One of the problems they will be discussing is just that. It allows them to bring that back within a year. That is all this bill does. We had a debate last week. I would just ask everybody to adhere to their position. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. We begin to reach a certain point that the long debate last week had focused on confusion within the current workforce. In caucus we heard this morning that there is an initiative coming out of Human Services for an additional 50 licensed social workers. Not only is there confusion with the existing workforce, as we will have a proposal before us, it is going to get even more confusing. If the Legislature makes that financial commitment for an additional 50 licensed social workers, will we be able to get those employees to be able to follow through on that policy?

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. I would just remind everybody a little bit about this bill. This bill will not change anything that we are doing. It only moves the implementation date until next year. That is all it does. Nothing is going to change. 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.

ROLL CALL NO. 500

YEA - Ash, Berry RL, Bliss, Bouffard, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Estes, Etnier, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, Michaud, Mitchell, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Peavey, Richard, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Bruno, Buck, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse K, Nass, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Baker, Belanger, Blanchette, Bowles, Brannigan, Brooks, Dugay, Duplessie, Fisher, Landry, Lundeen, Marrache, McLaughlin, Muse C, O'Brien LL, Quint, Richardson, Smith, Tessier.

Yes, 79; No, 52; Absent, 20; Excused, 0.

79 having voted in the affirmative and 52 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Resolve, Directing the Department of Defense, Veterans and Emergency Management to Make Recommendations to the Legislature to Provide Increased Outreach Activities for Women Veterans

(H.P. 1532) (L.D. 2035)
(H. "A" H-828)

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

On motion of Representative NORBERT of Portland, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

ROLL CALL NO. 501

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Bliss, Bouffard, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, MacDougall,

Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McNeil, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Richard, Rines, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Chase, Cressey, Heidrich, Kasprzak, Labrecque, McKenney, Shields, Stedman.

ABSENT - Bagley, Baker, Blanchette, Bowles, Brannigan, Brooks, Duplessie, Landry, Lundeen, Marrache, McLaughlin, Mendros, Muse C, O'Brien LL, Quint, Richardson, Smith, Tessier, Wheeler EM.

Yes, 124; No, 8; Absent, 19; Excused, 0.

124 having voted in the affirmative and 8 voted in the negative, with 19 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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.

An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance

(H.P. 70) (L.D. 79)
(C. "B" H-811)

TABLED - March 4, 2002 (Till Later Today) by Representative BERRY of Livermore.

PENDING - PASSAGE TO BE ENACTED.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The Chair is pleased to announce in the gallery the presence of the sister of the Representative from the Passamaquoddy Tribe and a former member of this body, Madonna Soctomah. Beth Sockbeson and her husband Jack Loftus, Beth is the sister of Representative from the Penobscot Nation, Representative Loring. Gail Sockbason, Gail is the director of the Wabanaki Program at the University of Maine and Ethan and Eve Dana, children of Chief Barry Dana.

IN CONVENTION

The President of the Senate, the Honorable Richard A. Bennett, in the Chair.

The Convention was called to order by the Chair.

On motion of the Senator from Sagadahoc, Senator Small, it was **ORDERED**, that a message be sent to the Honorable Angus S. King, Jr., Governor of the State of Maine inviting him to attend the Joint Convention of the two branches of the Legislature now

assembled in the Hall of the House for the purpose of reporting on the State of the Tribes in Maine.

The Order was Read and Passed.

The Chair will appoint the following:

The Sen. from Cumberland, Senator Rand

The Sen. from York, Senator McAlevey

The Sen. from Oxford, Senator Ferguson

The Rep. from Wilton, Representative LaVerdiere

The Rep. from Freeport, Representative Bull

The Rep. from Turner, Representative Jacobs

The Rep. from Vassalboro, Representative Mitchell

The Rep. from So. Portland, Representative Muse

The Rep. from Auburn, Representative Simpson

The Rep. from Augusta, Representative Madore

The Rep. from Bridgton, Representative Waterhouse

The Rep. from Lewiston, Representative Mendros

The Rep. from Hodgdon, Representative Sherman

The Rep. from the Penobscot Nation, Representative Loring

Subsequently, Senator McAlevey of York, for the Committee, reported that the Committee had delivered the message with which it was charged and is pleased to report that the Honorable Angus S. King, Jr., Governor of the State of Maine will attend forthwith.

The Chair is pleased to welcome the Honorable Angus S. King, Jr., Governor of the State of Maine, accompanied by the Chief Justice of the Supreme Judicial Court, Leigh Ingalls Saufley.

On motion of President Pro Tem from Penobscot, Senator Michaud, it was

ORDERED, that a message be sent to the Honorable Barry Dana, Chief, Penobscot Nation, the Honorable Richard Doyle, Governor, Passamaquoddy Tribe at Pleasant Point, and the Honorable Richard Stevens, Governor, Passamaquoddy Tribe at Indian Township inviting them to attend the Joint Convention of the Legislature now assembled in the Hall of the House for the purpose of reporting on the State of the Tribes in Maine and extending to them an invitation to attend the convention and make such communication as pleases them.

The Order was Read and Passed.

The Chair will appoint the following:

The Sen. from Washington, Senator Shorey

The Sen. from Penobscot, Senator Cathcart

The Sen. from Penobscot, Senator Youngblood

The Rep. from the Penobscot Nation, Representative Loring

The Rep. from the Passamaquoddy Tribe, Representative Soctomah

The Rep. from Pembroke, Representative Goodwin

The Rep. from Baileyville, Representative Morrison

The Rep. from Kossuth Township, Representative Bunker

The Rep. from Old Town, Representative Dunlap

The Rep. from Winterport, Representative Brooks

The Rep. from Milford, Representative Haskell

The Rep. from Levant, Representative Chase

The Rep. from Bangor, Representative Norton

Subsequently, Senator Shorey of Washington, for the Committee, reported that the Committee had delivered the message with which it was charged and are pleased to report that the Honorable Tribal Leaders will attend forthwith.

The Chair is pleased today to recognize in the gallery the following honored guests: the Honorable Jerry Talbot, Congressman John Baldacci, the Honorable Neil Rolde, the Honorable Rich Thompson, James Martin of the United South and Eastern Tribes, Edward and Priscilla Hinckley and the Honorable Steven Rowe, Attorney General.

The Chair is pleased to turn the podium over to the Speaker of the House, Michael V. Saxl, for the purpose of introductions and remarks.

The SPEAKER: Welcome friends and neighbors from throughout our state, former members of this body and countless members of the Passamaquoddy and Penobscot Nations. I was just reflecting during the prayer of the butterflies that were in my stomach this morning. I convene this Legislature every day that we are in session and as of late I have grown very comfortable with our proceedings. I rarely come into this chamber and feel nervous. I remember talking just before our session to the young lady who sang our National Anthem today. She was very nervous. I said that sometimes those butterflies in your stomach help you prepare for something, which is momentous and important. Bear with me as I prepare with you today for something, which is momentous and important. I would like the Senate President for extending to me the courtesy of participating in these proceedings in a formal manner and the opportunity to introduce our guests.

Today, to me, is a historic day for our Legislature and for our state. As most of you know this is the first time in our history that the leaders of the two tribes seated in this Legislature, the Penobscot Nation and the Passamaquoddy Nation, will address a Joint Convention of the Maine Legislature. As the only state in the union that includes tribal representation in its Legislature, it is fitting that this Legislature extend this opportunity as a symbol of our desire to work cooperatively with the tribal governments and to protect and promote tribal traditions and culture.

The relationship between the tribes and the State of Maine is an ever evolving one. As times change, we must redefine how we, as a state government, interact with the governments of these nations living within our borders. As part of this evolution, state government must remain respectful of the long established native culture and of the ability of tribal governments to represent the best interests of their people. We must create an environment in which Passamaquoddy people, the Penobscot people, the Micmac people and the Maliseet people can maintain their cultural heritage and be a part of our future. We may not be adversaries in this process. We need not be at loggerheads. We can and we will pursue a relationship that looks for consensus and that builds on mutual respect and sensitivity. To that end, let this historic day be a symbol of our cooperation for tribal state relations. Let it serve as a reminder for us to always communicate openly and to work as partners as we shape the future for all the people of Maine.

It is my honor at this time to introduce the leader of the tribes that have representatives within the Legislature so that they may address us with their views on the State of the Tribes in Maine. First, it is my honor to introduce to you the Honorable Richard Stevens, Governor of the Passamaquoddy Tribe at Indian Township. Would he please come forward and address our Legislature.

The Speaker is pleased to welcome the Honorable Richard Stevens, Governor of the Passamaquoddy Tribe at Indian Township.

Governor King, President Bennett, Speaker Saxl, President Pro Tem Michaud, members of the 120th Legislature, Tribal members and fellow Mainers: It is my honor and privilege to stand before you today to describe to you the State of Maine's Tribes.

Aguwan psite yut wen eh-yit.

Good day to everyone who is here.

I come before you today as the Chief of the Passamaquoddy Tribe of Indian Township holding the wampum belt. In my culture holding the wampum belt is the most significant sign of truth. When a person speaks while holding the wampum belt he speaks from the heart and speaks the truth. I ask that you allow me to share my thoughts with you as we come together for the first time in this State of the Tribe address. I come before you in times of great change and upheaval in our world. It is during these times of uncertainty and upheaval that we as human beings look to ourselves and to the creator and study where we have been, where we are now, and where we are heading.

Our history is as colorful as it is complex. Colorful because of our spiritual and cultural connection to mother earth and the creator. Complex because of a lack of communication and a misunderstanding of our culture and traditions. History has not always treated the Tribes well, but we are still here and we are a part of Maine. For the last twelve thousand years the Passamaquoddy Tribe has inhabited this land which we now call Maine. Our ancestors have seen the retreat of the ice age, the last of the woolly mammoths and have hunted the caribou. Our legends and stories have been passed down from generation to generation both orally and throughout art. Our ability to survive for those thousands of years was because we were able to adapt to the ever-changing environment, and we will continue to do so.

As a people, we have always understood that we are connected to the environment and the spirits within. We have never lost sight of who we are; -- caretakers of the land, the water and the wind. Part of our oral history tells us that --- **"We are part of everything beneath us, above us, and around us. Our past is our present and our present is our future"**. Today is no different. We still consider ourselves caretakers of the land, caretakers of the water and caretakers of the wind.

Today the people of Maine are more connected spiritually to the Passamaquoddy Tribe than they ever have been. There are many in the State who have aligned themselves with the Tribes as they too believe they have a right to unpolluted land, clean water, clean air and environmentally sound practices. As Chief of the Passamaquoddy Tribe at Indian Township I welcome you to our cause.

Today many of the cultural practices of our past still occur. Some of these are: the sweat lodge, using traditional medicines, the use of the native language, drumming and prayer. Many more would still be practiced if it were not for the pollutants that are the human legacies.

The vision of the past lives today in our community, and will continue to do so for generations to come.

But as a native people we struggle to maintain our culture against an onslaught of modern things. But at the same time the Passamaquoddy people also feel that we should have access to the same benefits that other Mainers call for: good jobs, good homes, and a good education for our children. As a Tribe we

have traveled a long way toward this goal but we still have many miles to go.

Because of the remote location of the Passamaquoddy Tribe there are limited opportunities for the Tribe and the people of Washington County. Unemployment on the reservation is approximately 50 percent. Unemployment in Washington County is 11 percent, which is higher than any other county in the State. Gone are the traditional jobs such as the sardine factories and shoe factories. The State and the Tribe also suffer from increased federal regulations on industries such as fishing, aquaculture and farming. The average income per household on the reservation is significantly lower than the average household income of Washington County, which is approximately \$25,000. Today diabetes and cancer are the leading causes of death on the reservation leading to a life- expectancy of just 48 years. This is one third lower than the national average in America today.

As we look to our children and the generations to come. We have a hope and a desire to work more closely with the Legislature and the people of Maine. We have made great strides in the past four years because of the willingness, and the desire of this legislature, and the people of this great State to work with the Tribes. All of us must look toward the future. We must charge ourselves with developing new types of business within Maine which will generate new sources of consistent funding for essential services such as healthcare and education. Services which all people of Maine desire and deserve.

The world today is a place of uncertainty and upheaval. We as Americans remember the awful events six months ago today in New York, Washington and Pennsylvania. As our people struggle with fears, doubt and worry about the future. It is our responsibility as the elected officials of the people of Maine and the Passamaquoddy Tribe to foster stability and accomplish a new era of mutual respect and cooperation between ourselves. It is my Tribes responsibility to work with the State of Maine, to find common ground, and broaden our horizons while practicing our individual culture. It is my belief that the Passamaquoddy people and the people of Maine expect no less.

Apococ nomiyaul kityaw.

Until we meet again.

There is no word for goodbye in the Passamaquoddy language because we know we will be meeting again.

Woliwon

Thank you.

The Speaker is pleased to welcome the Honorable Rick Doyle, Governor Passamaquoddy Tribe at Pleasant Point.

Good Morning, I bring greetings from Sipayik.

I had two choices this morning, my war club or my peace pipe, but I am here to make peace.

Thank you for inviting me here today. My name is Rick Doyle, my traditional title is Sakom, but I am now called Governor of the Passamaquoddy Tribe at Pleasant Point. The Passamaquoddy are proud members of the Wabanaki people. I am honored to be the guest of the Maine Legislature. This is a historic occasion and a historic opportunity for the Passamaquoddy people and the people of Maine. My hope is that this is the beginning of a new era of cooperation, trust, and partnership as we move forward and look to the future. While our past has been colored by distrust, we are willing to walk forward together in friendship to help raise the quality of life of my people and all the people of Maine.

My people have lived in Maine and parts of Canada for more than 500 generations. We were once the most predominant people in this area living in harmony with Great Mother, receiving her bounty and protecting the watershed. We lived off the mountains, the water, the woods, and the land. We were fishermen in the summer and hunters in the winter. Great Mother provided for US and we were there to nurture, protect, and preserve her bounty. We have a spiritual connection to the earth and have always viewed ourselves as caretakers of the land, river, and Great Mother.

We believe that everything in nature is interconnected, the water, the land, the people, the plants, and the animals. When we pick sweet grass, we do so blade by blade to honor the spirit of each blade. We then clean the sweet grass in the field so that the seeds may fall back into the field, where nature intended them to fall so that the field can continue.

It has always been so with our people. We harvest only what we need from the land. We view each animal and plant separately based on its environment and connection to nature and US. In turn, we look to the land and Great Mother for signs of danger and injury and work to protect her. In that way, all of creation can replenish itself.

From the beginning of European settlement, we held out the hand of friendship; first with the French, then the English, and finally with the American colonists. We assisted French explorers who sought our knowledge of the area as well as our help with their new settlements. When the English arrived, we signed treaties with the understanding that we would share the land with them. We shared the land and Great Mother's bounty with the new colonists. When the new colonists arrived, we were there when they needed us.

In the hopes of protecting some of our land base, we signed a treaty with the Commonwealth and later with the State of Maine. The U.S. Congress never ratified these treaties. These treaties gave us title to several islands, a 23,000-acre township, and several smaller tracts of land, including 10 acres at Pleasant Point, which through our efforts was later increased. Despite the lack of federal protections, the tribe followed the tenants of this treaty even after the state of Maine was created in 1820.

Three years after the state of Maine was made a state, our people were given non-voting representation in the Maine Legislature. Through these representatives we were able to secure the establishment of the Passamaquoddy Trust Fund to finance emergency aid for the needy. The fund was financed from the proceeds of timber sales, grass, and power rights on our land. Such aid was desperately needed to help our people who were in dire straights. Despite being on the rail lines, our people were not allowed to take advantage of the situation and remained reliant on hunting, fishing, trapping, basket making, and other traditional arts.

Interest from this fund was paid to the Indian Agents who were supposed to be looking out for our welfare. Instead, we were given the leftovers, thus beginning a long cycle of welfare dependency. Where was the state of Maine when we needed your help and protection? Again, we had been taken advantage of by those we trusted.

Later, in the 1960s, we discovered that part of our land was sold or leased without Federal consent. This discovery set off a legal battle that resulted in federal recognition for the Passamaquoddy and Penobscot peoples and a claim by the tribes to nearly two-thirds of the state of Maine. Despite legal victory after legal victory, we sought compromise with the state. The future of Maine as a whole was at stake. Government functions, businesses, and people's lives were held in the

balance as long as this court case was being pursued. The result of that compromise was the Maine Indian Settlement Act, under which we operate now.

Unfortunately, the Settlement Act has not achieved its goal. It is a failed experiment in my mind. We seek only to maintain and exercise our sovereignty to protect our way of life. The settlement gave us more authority over our internal matters and allowed us to keep our federal recognition. However, it also left open questions over jurisdiction. As called for in the Settlement Act, I would urge the Maine Tribal State Commission to review the Settlement Act and to suggest changes to help bring it into a new era and clarify the questions of jurisdiction that were left open.

These questions have led us to our current situation. We want to ensure that we have clean water. Plain and simple. The current court cases and arguments made by the paper companies are not about documents to us. It is about our right to clean water. It is about the health and safety of our people.

I am fighting for my people's right to continue our traditions and way of life without fear of poisons or toxins in our water. We want to continue to be able to fish, swim, canoe, sustain ourselves, and harvest our medicines. In sum, we ask that we be allowed to continue to practice our traditions and culture as we have for more than 500 generations. Polluters have been discharging toxins into the river that make the fish unsafe to eat, the water unsafe to swim in, and that threaten the very vitality of the river itself.

It is my duty not only to my people, but also to Mother Earth to protect the river and the water. That is why we have fought so hard and vigorously on the issue of water quality. If I must be imprisoned to protect the river, than so be it. This is worth fighting for. Money and power are fleeting. Nature is forever. My people are forever. We will not back down. We will continue to fight for our right to clean water, no matter how long, and no matter what the cost.

We are encouraged by the Governor's offer of negotiations to find a way to solve this matter outside of court. It has always been my hope that we could settle the problems between the Passamaquoddy, the State, and the other parties involved through negotiation. However, we must make it clear that our main goal is the preservation of the bays, rivers, streams, lakes, and ponds in order to protect the health and safety of our people. We hope that these negotiations will open a new chapter in our relationship with the State of Maine. Despite the problems of the past, we seek cooperation and consensus. We see progress and a growing understanding of our concerns on this issue and others. Together, we can help to protect our state's natural resources and the lifeblood of our culture: the river and its watershed. Together, we can begin to build the foundations for a new relationship between the Passamaquoddy and the people of Maine.

From this debate, I see many opportunities for my people and the people of Maine. Our needs are many. Since the time the first Europeans came to our lands, we have become ever more dependent and less self-sufficient. What started as a desire for guns, powder, and iron has developed into the creation of a welfare state on tribal lands. We need to break this vicious cycle and develop new opportunities for Indian people here in the state. Ways that will help my people beat back disease, poor health, poverty and substance abuse. The list of social ills goes on and on.

In sum, we seek hope for a better and healthier tomorrow. Hope that there will be new jobs. Hope that our waters will be clean and healthy. Hope that our children can grow up free from abuse and the chains of dependency.

The new relationship may also lead to the development of other tribal resources. We are eager to work with our neighbors in Washington County to help spur economic development in the region. Whatever the relationship grows into, statewide or locally, it needs to help me and my people to break the cycle of dependency. We want to become self-sufficient. I believe that was part of the purpose behind the Settlement Act, to give tribes the means and self-determination to help ourselves.

Throughout history, the Passamaquoddy have been there when the people and the United States needed us. Our people fought in many wars for the United States to protect our country, our land, and our way of life. From the Revolutionary War to the present, my people have fought valiantly to protect our nation. This despite the fact we were not granted the right to vote in Maine until 1954. This is the first time in 182 that tribal leaders have addressed the Maine Legislature. We have always taken great pride in fighting for our nation to preserve its liberty. My uncle, who recently passed to the next world, was a veteran of World War II, Korea, and Vietnam. I know personally the type of sacrifice that he and others like him from my tribe made to preserve this country of ours.

Even in today's conflicts, our presence is noticed. The U.S. Marines in Afghanistan, through a friend of the tribes, have requested a Passamaquoddy flag to be flown by one of its pilots during a bombing mission against the Taliban and Al Qaeda. Our tribe has a long history of fighting to protect this nation and its liberty. We are proud to provide this symbol to our fighting forces overseas and are always prepared to provide whatever assistance is necessary to protect this great nation of ours against all attacks.

We look forward to this opportunity for a new relationship with great expectations. We enter these negotiations with Governor King and the paper companies with the hope that our waters will be protected. We do this despite the challenges of the past. Whenever we were asked, we came willingly to the aid of the State. We ask for your assistance now. Help us to protect our waters. Help us to grow economically. Help us to protect our traditions and culture. And, most importantly, let's help each other to become better neighbors and partners.

The Speaker is pleased to welcome the Honorable Barry Dana, Chief of the Penobscot Nation.

Mr. President, Mr. President Pro-Tem, Mr. Speaker, Madame Chief Justice, members of the Legislature, Governor, Tribal members of Maine's Tribes, distinguished guests and people of Maine, Kkwey, Hello.

To all who are present here today and to those who may listen on the radio or TV, I ask that your ears hear my words so that you will know what I have said. I ask for your minds to be open so they you will understand my intent. I ask that your hearts feel my commitment to bring honor to my family, my tribe and to our state, a place we all share as our home.

Woliowni. Thank you.

It is an honor and a privilege as Saugama, the Chief of the Penobscot Nation, to be here on this historic day, addressing the joint session of the 120th Legislature.

Woliowni. Thank you.

Today symbolizes what I truly believe to be a new era in Tribal/State relations. Relationships are based on communication. Today we have the opportunity for direct

communication. Perhaps, today this can be the start of our greatest days before us.

Nivan Penawepskewi. I am Penobscot.

Nivan Penawepskewi. I am a human being from the Penobscot River.

My grandfather was a pack basket maker, a river guide, a hunter and worked on the Penobscot log drives. My grandmother, along with raising a large family, tended a garden, and braided sweet grass for the fancy basket makers. In my youth, I was fortunate enough to have spent many hours with them, hearing the stories of the old days. From my grandparents, as well the other tribal elders, I learned my culture. Though these elders have joined our ancestors, their values, and their passion for preserving our traditions live on in the pride of my people.

Nivan Penawepskewi. I am Penobscot.

Talámisi Wič Nikawas. I am thankful for my mother.

I am thankful for my mother, a proud Penobscot woman. In her 60 plus years of living on the Penobscot River, she has witnessed many changes for our people. She faced the bitter winds of winter, while walking across the ice, and paddled across the quick spring currents to go to and from school, she drove her first car across the infamous one lane bridge. My mother worked as hard as many in the Old Town shoe factories to then become a dedicated Penobscot Nations Tribal Clerk of 19 years. She has always supported my endeavors, even standing in the cold November rains at my High School Football games (incidentally, she could never understand why 22 young men would fight over one funny shaped small ball). She has always strived to make a better life for her family and her people. Though she could not be here today due a slight heart attack, she will be watching on public TV. Please join me in honoring a proud Penobscot woman, Lorraine Dana. Neyan Penawepskewi. I am Penobscot.

I would like to recognize two outstanding tribal people, who in keeping with our proud history of being talented Statesmen have probably been more responsible for bridging the gap of misunderstanding between our two governments than anyone else of our time. The dedication of these individuals is apparent with the passage of such bills as: PL 625 - where the tribes received the extension on trust land acquisition. Cosponsoring the efforts to include portraits of outstanding Indians in the State House. Also by cosponsoring PL 613, An Act to Remove Offensive Place Names and; being a primary sponsor of PL 403, LD 291, An Act Requiring the Teaching of Maine Indian History in Primary and Secondary Schools. To bridge the gap of communications and cultures, our children need to know the history of our people, so we can all go forward together and create a collective history that benefits all. Their work has risen to the level of Ambassador.

Please join me in honoring the Penobscot Nation's Representative to the Legislature, Donna M. Loring and Donald Soctomah, the Passamaquoddy Representative to the Legislature.

Over the last two years, our people and our concerns for the environment, especially the rivers in the State of Maine have been in the news. We have a special relationship with the Penobscot River. We all live along the river. However, my people not only live on the river, we are actually a part of the river, living on Indian Island. The river is ingrained in our history, our culture, and our values.

It was once told to me by an elder that, before there was a river there were streams, from the upland into the valley. But one day, the water in the valley became a trickle, and it disappeared and the people grew thirsty. A young hunter went to find out what had happened. He entered the forest and walked for days until he came to the place where the streams converged, and

there he saw Kči Četwalis, a gigantic frog. The frog grew bigger and bigger as it lapped up the little streams. The people sent for Gluskabe, our hero. Gluskabe followed the trail and when he came to the frog he called out, "There are others who are thirsty too. You must learn to share." "I won't stop," croaked Kči Četwalis the frog, "Because I am the biggest and most powerful, I can do what I want."

Gluskabe pulled up a giant white pine, and lifting it high over his head he brought it down, striking the frog on the back. Kči Četwalis the frog burst into a thousand pieces. The water shot up into the air and landed in the deep furrow in the ground the tree had made, and the water began to flow. And that is how the Penobscot River came to be.

For centuries our history and culture have been shaped by our direct daily interaction with this powerful moving force of nature. For this reason, my people have always viewed the regulation and protection of our natural resources as our obligation, our stewardship to Mother Earth. We still use the river as a source of life. Our traditions are tied into this powerful free flowing source. Though Kevlar and Rogallex have all but replaced birch bark canoes we still use the water ways of the Penobscot to journey north to our sacred monument, Katahdin. Katahdin is the center to our spirituality. We still gather plants from the river's sediments and use them in our medicines. We still take our children upriver to enjoy the traditions of our people. We pray for the return of the salmon so our subsistence rights can be realized.

Our stewardship and protection of the river comes naturally to me and my people. We have a deal, Mother Earth provides for us, and we protect her. This traditional value goes beyond laws and regulations. This is a deal that transcends governments, profits, and the perception of power. And this is a relationship our people will never break.

Our rivers, our waters are not just a resource, they are us. Our waters are sacred, not just to the Penobscot, not just to the Passamaquoddy, Maliseets, or Micmacs, but to all the people of Maine. Enforcement of the Clean Water Act is absolute and must be addressed. People's daily lives and health, who live along the Penobscot River from Millinocket to Searsport, must be protected. We have the Governor's pledge to give the Tribes a substantial and useful role in the process of Waste Water discharge permits affecting our reservation. On behalf of the Penobscot Nation I commend the Governor for that. I pledge to work on a government-to-government basis with Attorney General Steven Rowe to find a solution.

It is not enough to have high standards for the cleanliness of the water, and the protection of all those who rely upon those waters including the people of my Tribe, the people of Maine, the fish and turtles that live within the river and eagles who find their sustenance within those fish. We are all connected and to protect this connection for now and forever it is not enough to write high standards, they must be enforced. Our lives are at stake, and our environment is at stake. The reputation of the State of Maine is at stake, and as leaders we all have an obligation to protect our most precious resource.

Now I'd like to talk about sovereignty and the Settlement Act. These things are important to us, but need not be scary for you. The Penobscot Nation as a Tribe and a government predates the State, and the United States. The State of Maine from 1820 on did recognize us as a Tribe, but did not recognize our Federal Indian Rights. This changed in 1975 when Federal Judge Edward Gignoux ruled that the Penobscot and Passamaquoddy Nations have the same sovereign status under the Constitution and laws of the United States as Tribes in other parts of the country.

In 1980 we settled our land claims after four long and often bitter years of negotiation. The settlement confirmed our sovereignty and our protection as Tribes under Federal Law. The plan of the Settlement was that Tribes and the State would work out their destiny together. The Federal government gave its advance blessing to any agreements worked out between the Tribes and the State.

We haven't done this enough. Too often we have been locked in the ancient struggle of the land claim. We need to find ways to work together as partners. We need to creatively use the tools available to us for the benefit of all. We need to ensure Maine Tribes are never again deprived of benefits that other Tribes enjoy. We can do this within the context of our unique relationship.

The very essence of Tribal Sovereignty is the ability to be self-governing for the protection of the health, safety and welfare of our people. We are a distinct people with a unique history. The Penobscots are an Indian people. For thousands of years, the bones of our ancestors have been laid to rest along the shores of the rivers and the ocean. We will continue to safeguard these rights to preserve our future. We are proud of our history and we are hopeful for our future. We, the Penobscot people, the Penobscot Nation are still here, and we will continue to be here for now, and forever. Neyan Penawepskewi. I am Penobscot.

The Penobscot Tribe is on a strong cultural footing, but we have needs for our people and very few ways to meet these needs. How do you tell an elder that the Tribe cannot assist them in fixing their roofs because there is not enough money? How can we deny health services to our own members because there is not enough funding? How can we protect our culture when our members are having to move out of the State of Maine to find work to support their families? There has to be a change. There has to be a better way.

Economically, we must do better. We believe there is a way to work together to create opportunities for both the Penobscot and Passamaquoddy people, but also for the entire state of Maine. We deserve the same opportunities to move from poverty to prosperity as our Indian brothers across the country have had, and we believe this will benefit all of us.

Pockets of poverty, such as our reservations help no one. There is no high side to rural Maine being underpaid, underemployed and underserved. I believe we can work together to create more opportunity and more hope for my people, and the people of Maine. We need more opportunity. The Penobscot Nation has been extremely successful in educating our Tribal members. Many of our youth have gone off to college and they have done well. But, they would like to do well at home, near their families and within our culture. Without being able to provide jobs and opportunities for our people, we only get the opportunity to see them when they come home for ceremonies and holidays. We need to be able to provide opportunities for our people and our neighbors. I want adequate health care for my elders, and learning programs to teach our ways and our culture to our children. I want to be able to create a federally licensed museum, so that we can return the bones and artifacts of our ancestors to their rightful home, so our children, and their children can learn and take part in the preservation of our culture and our way of life, and we need to be able to invest in the future and invest in our environment. It is important that we have the resources to be able to protect our environment so our children can eat the fish of the Penobscot River and participate with their elders in collecting the edible and medicinal plants and minerals that the river provides for us. We need to have the resources to protect another precious resource, our Penobscot language. Our language is tied to every aspect of our culture and our way of life.

We need the resources to move together into the future as a strong autonomous nation, working together with our neighbors to make our home everything we have always wanted. And this can be done. And it needs to be done now.

It is time to unlock the chains of fear that stifles our Settlement Act today, and to boldly move forward to make the necessary changes to make to take all of us forward together. It is time. It is time to move forward.

Neyan Penawepskewi. I am Penobscot...but I am also of Maine. What is good for the people of the Penobscot nation is also good for the people of the State of Maine.

On behalf of all my relations, the birds, the fish, the turtles, all the four-legged, the insects, the land, rocks, trees, plants, air, water and the spirit that moves through us all.

Waliwani. I thank you.

At this time the Speaker would request that the Senate President to return to the Chair and conclude our work in the Joint Convention.

The Tribal Leaders withdrew amid the applause of the Convention, the audience rising.

The purpose for with 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 HEIDRICH of Oxford, the House adjourned at 11:48 a.m., until 9:00 a.m., Tuesday, March 12, 2002 in honor and lasting tribute to those who died on September 11, 2001, George H. Bass II, of Wilton, Darryl E. Clement, of Milford and Joan L. Littlefield, of Milford.