

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-First Legislature**  
**State of Maine**

**Volume I**

**First Regular Session**

December 4, 2002 – May 23, 2003

Pages 1-776

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
FIRST REGULAR SESSION  
9th Legislative Day  
Thursday, January 30, 2003

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

Prayer by Reverend Larney Otis, Trinity Episcopal Church, Lewiston.

Pledge of Allegiance.

Doctor of the day, Kenneth Christian, M.D., Holden.

The Journal of Tuesday, January 28, 2003 was read and approved.

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**SENATE PAPERS**

Bill "An Act to Support Entrepreneurship in the State Through the Maine Microenterprise Initiative Fund"

(S.P. 104) (L.D. 268)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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Bill "An Act To Stimulate Economic Growth in Northern Penobscot County"

(S.P. 117) (L.D. 335)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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Bill "An Act to Strengthen State Investment in the University of Maine System for Applied Research and Development"

(S.P. 119) (L.D. 337)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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**Non-Concurrent Matter**

Bill "An Act to Establish the Full Right of Petition and Redress in Local School Board Decisions"

(H.P. 162) (L.D. 203)

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in the House on January 21, 2003.

Came from the Senate **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

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**COMMUNICATIONS**

The Following Communication: (H.C. 23)  
**STATE OF MAINE**  
**121ST MAINE LEGISLATURE**

January 23, 2003

Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland,

Pursuant to our authority under Title 12, MRSA, Chapter 419, Section 4652, we have appointed Sen. Dennis Damon of Hancock to the Atlantic States Marine Fisheries Commission. Sen. Damon will be replacing Rep. David Etnier as the legislative appointee from Maine.

Please let us know if you have questions regarding this appointment.

Sincerely,

S/Beverly C. Daggett

President of the Senate

S/Patrick Colwell

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 24)  
**ARKHANGELSK REGION**  
**ASSEMBLY OF DEPUTIES**

Wednesday, January 24, 2003

Honorable Patrick Colwell, Speaker

Maine House of Representatives

Dear Speaker Colwell,

We are proud to greet you and your colleagues from the Maine House of Representatives. We are satisfied with development of ties between the legislative bodies of our regions, which is approved by regular exchanges in 2001-2003. Results of business partnership supplement many-sided relations of American and Russian peoples and serve as guarantor of these relations in the future.

We wish you, members of the Maine House of Representatives and all residents of the State of Maine, well-being, happiness and successful realization of your plans.

With best regards,

S/Vitaly Fortygin, Chairman

Arkhangelsk Region Assembly of Deputies

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 25)  
**STATE OF MAINE**  
**DEPARTMENT OF HUMAN SERVICES**  
**AUGUSTA, MAINE 04333**

January 21, 2003

Honorable Patrick Colwell

Speaker of the House

Maine House of Representatives

2 State House Station

Augusta, ME 04333-0002

Re: Report Concerning License Revocation and Child Support Enforcement for the period Jan. 1, 2000 through Dec. 31, 2002

Dear Speaker Colwell,

It is the responsibility of the Department of Human Services, Division of Support Enforcement and Recovery (DSER) to report to the Legislature and the Governor regarding license revocation.

The first report was due January 31, 1999 and is due biennially

thereafter, in accordance with 19-A MRSA 2201(15) and 2202(12).

For Professional and Recreational Licenses

Requirement No. 1

The number of support obligors identified as licensees subject to this section.

Answer:

We have not been able to identify recreational licenses on a statewide basis because they are not contained in a centralized database. Therefore, we have tracked them on an individual basis and in this reporting period we revoked 1,530 professional and recreational licenses. We are continuing to work with Inland Fisheries and Wildlife to develop an on-line procedure to automate receipt of licensee information subject to this section, and post the information to the individual case. We have matched database information with Inland Fisheries and Wildlife for the past 4 years in order to identify non-complying obligor parents who received moose permits in the annual drawing.

Requirement No. 2

The number of support obligors identified by the Department under this section who are not in compliance with an order for support.

Answer:

The Department identified 1,530 obligors under this section who were not in compliance with an order for support. Under the Division's current practice, cases are selected individually for inclusion in the license revocation process and licenses are revoked on a case-by-case basis rather than by mass processing.

Requirement No. 3

The number of actions taken by the Department under this section and the results of those actions.

Answer:

The Department revoked 1,530 professional and recreational licenses between 1/1/00 and 12/31/02. From this total, 1,037 compliance statements were issued.

For Driver's Licenses

Requirement No. 1

The number of notices served upon support obligors by the Department under this section.

Answer:

The Department served more than 6,000 notices under this section between 1/1/00 and 12/31/02.

Requirement No. 2

The number of obligors served notice under this section who requested a hearing.

Answer:

Our records indicate that 133 hearings were requested during the period.

Requirement No. 3

The number of hearings held under this section, the results of the hearings and the number of cases settled without a hearing.

Answer:

From Jan. 1, 2000 through Dec. 31, 2002, 61 hearings were held and 72 were settled without the need for a hearing.

Requirement No. 4

The number of support obligors certified to the Secretary of State for noncompliance with an order for support under this section.

Answer:

5,340 obligors were certified between Jan. 1, 2000 and Dec. 31, 2002.

Requirement No. 5

The costs incurred in the implementation and enforcement of this section and the Department's actions under this section.

Answer:

DSER estimates direct costs under this section to be approximately \$120,000 from Jan. 1, 2000 and Dec. 31, 2003.

The information requested in this report was formulated at the Legislative Session in 1993 prior to actual implementation of our process. Information contained in this report does not mirror how the law is applied today. The attached LIRV sheet better reflects the actual process and gives a more accurate portrayal of how we use this law and the results to date. This information was developed as a result of a study done by the Office of the Inspector General for a national report studying the effectiveness of several states' license revocation laws. We have attached this report for your information.

Yours truly,

S/Stephen L. Hussey, Director

Division of Support Enforcement & Recovery

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Strengthen the Animal Control Laws"

(H.P. 280) (L.D. 360)

Sponsored by Representative HUTTON of Bowdoinham.

Cosponsored by Senator HATCH of Somerset and Representatives: BLANCHETTE of Bangor, DUDLEY of Portland, EDER of Portland, GROSE of Woolwich, LESSARD of Topsham, LUNDEEN of Mars Hill, PINEAU of Jay, Senator: BRYANT of Oxford.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

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Bill "An Act To Build a Prison in Washington County"

(H.P. 276) (L.D. 356)

Sponsored by Representative PELLON of Machias.

Cosponsored by Senator HATCH of Somerset and Representatives: BUNKER of Kossuth Township, CROSTHWAITE of Ellsworth, DUGAY of Cherryfield, GOODWIN of Pembroke, PERRY of Calais, PINGREE of North Haven, ROSEN of Bucksport, Senator: SAWYER of Penobscot.

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$2,700,000 for Maine Maritime Academy"

(H.P. 314) (L.D. 394)

Sponsored by Representative McKENNEY of Cumberland.

Cosponsored by Senator SAWYER of Penobscot and Representatives: CHURCHILL of Orland, LEDWIN of Holden, ROSEN of Bucksport, Senator: YOUNGBLOOD of Penobscot.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent for concurrence.

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Bill "An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education"

(H.P. 284) (L.D. 364)

Sponsored by Representative KAELIN of Winterport.  
Cosponsored by Senator DAMON of Hancock and Representatives: BIERMAN of Sorrento, DUGAY of Cherryfield, McNEIL of Rockland, PINGREE of North Haven, ROSEN of Bucksport.

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

On motion of Representative MAILHOT of Lewiston, **TABLED** pending **REFERENCE** and later today assigned.

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Bill "An Act to Enhance Public Participation in Matters Before Professional Licensing Boards"

(H.P. 303) (L.D. 383)

Sponsored by Representative BARSTOW of Gorham.  
Cosponsored by Representatives: BULL of Freeport, DUPREY of Medway, EARLE of Damariscotta, FISCHER of Presque Isle, STONE of Berwick, WHEELER of Kittery, Senators: EDMONDS of Cumberland, MAYO of Sagadahoc.

Resolve, Directing the Maine State Housing Authority To Study Ways To Promote Construction of Affordable Housing for Veterans

(H.P. 304) (L.D. 384)

Sponsored by Representative SUSLOVIC of Portland.  
Cosponsored by President DAGGETT of Kennebec and Representatives: DUDLEY of Portland, EDER of Portland, FAIRCLOTH of Bangor, GLYNN of South Portland, LANDRY of Sanford, PATRICK of Rumford.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

**REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

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Resolve, to Improve Community Safety and Sex Offender Accountability

(H.P. 292) (L.D. 372)

Sponsored by Speaker COLWELL of Gardiner.  
Cosponsored by Senator ROTUNDO of Androscoggin and Representatives: LERMAN of Augusta, MAILHOT of Lewiston, McNEIL of Rockland, O'BRIEN of Lewiston, SUSLOVIC of Portland, Senators: President DAGGETT of Kennebec, GAGNON of Kennebec, MAYO of Sagadahoc.

Bill "An Act To Amend the Law Regarding Security Officer Qualifications"

(H.P. 295) (L.D. 375)

Sponsored by Representative BUNKER of Kossuth Township.  
Cosponsored by Senator HATCH of Somerset.

Bill "An Act To Protect Public Safety Using DNA Data of Juvenile Violent Offenders"

(H.P. 300) (L.D. 380)

Sponsored by Representative FAIRCLOTH of Bangor.  
Cosponsored by Senator BRENNAN of Cumberland and Representatives: BLANCHETTE of Bangor, BUNKER of Kossuth Township, GREELEY of Levant, GROSE of Woolwich, Senator: CARPENTER of York.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

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Bill "An Act To Amend the School Finance Act"

(H.P. 273) (L.D. 344)

Sponsored by Representative MURPHY of Kennebunk.

Bill "An Act To Promote Participation of Retired Professionals in the State's Classrooms"

(H.P. 278) (L.D. 358)

Sponsored by Representative DUDLEY of Portland.

Bill "An Act to Exempt School Units From Liability When Releasing Information Regarding School Employees Accused of a Crime"

(H.P. 306) (L.D. 386)

Sponsored by Representative O'BRIEN of Augusta.  
Cosponsored by Representatives: ANDREWS of York, MOODY of Manchester, Senators: MITCHELL of Penobscot, WESTON of Waldo.

Bill "An Act To Raise the High School Dropout Age"

(H.P. 310) (L.D. 390)

Sponsored by Representative THOMPSON of China.  
Cosponsored by Representatives: BARSTOW of Gorham, CUMMINGS of Portland, FISCHER of Presque Isle.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

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

Sent for concurrence.

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Bill "An Act to Ensure Patient Access to Medical Records"

(H.P. 283) (L.D. 363)

Sponsored by Representative MILLS of Farmington.  
Cosponsored by Representatives: ADAMS of Portland, LERMAN of Augusta.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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

Sent for concurrence.

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Bill "An Act To Provide Consumers at Chain Restaurants with Accurate, Accessible Nutrition Information"

(H.P. 311) (L.D. 391)

Sponsored by Representative FAIRCLOTH of Bangor.  
Cosponsored by Senator BROMLEY of Cumberland and Representatives: MILLS of Cornville, NORTON of Bangor, O'BRIEN of Lewiston, SMITH of Monmouth, SULLIVAN of Biddeford, Senators: HALL of Lincoln, SHOREY of Washington.

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

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

(H.P. 296) (L.D. 376)

Bill "An Act To Clarify Reciprocity for ATV Registration"  
(H.P. 279) (L.D. 359)  
Sponsored by Representative FINCH of Fairfield.  
Cosponsored by Representatives: DUNLAP of Old Town,  
LANDRY of Sanford, MILLS of Cornville, WHEELER of Kittery.

Sponsored by Representative SMITH of Van Buren.  
Cosponsored by Senator MARTIN of Aroostook and  
Representatives: BLANCHETTE of Bangor, HUTTON of  
Bowdoinham, JACKSON of Fort Kent, LAVERRIERE-BOUCHER  
of Biddeford, MARRACHÉ of Waterville, PARADIS of Frenchville.

Bill "An Act To Increase the Registration Fee for ATVs"  
(H.P. 288) (L.D. 368)  
Sponsored by Representative FINCH of Fairfield.  
Cosponsored by Representatives: BROWNE of Vassalboro,  
DUNLAP of Old Town, LANDRY of Sanford, WHEELER of  
Kittery, Senator: DOUGLASS of Androscoggin.

Bill "An Act To Responsibly Allocate Costs in Child Protection  
Proceedings"  
(H.P. 297) (L.D. 377)

Bill "An Act To Create a Closed Season for ATV Use"  
(H.P. 289) (L.D. 369)  
Sponsored by Representative FINCH of Fairfield.  
Cosponsored by Representatives: DUNLAP of Old Town,  
LANDRY of Sanford, WHEELER of Kittery, Senator: DOUGLASS  
of Androscoggin.

Sponsored by Representative SMITH of Van Buren.  
Cosponsored by Senator MARTIN of Aroostook and  
Representatives: BLANCHETTE of Bangor, HUTTON of  
Bowdoinham, JACKSON of Fort Kent, LAVERRIERE-BOUCHER  
of Biddeford, MARRACHÉ of Waterville, PARADIS of Frenchville.

Committee on **JUDICIARY** suggested and ordered printed.  
**REFERRED** to the Committee on **JUDICIARY** and ordered  
printed.

Sent for concurrence.

Bill "An Act To Change the Display of ATV Registration  
Numbers"  
(H.P. 290) (L.D. 370)  
Sponsored by Representative FINCH of Fairfield.  
Cosponsored by Representatives: DUNLAP of Old Town,  
LANDRY of Sanford, WHEELER of Kittery, Senators:  
DOUGLASS of Androscoggin, MITCHELL of Penobscot.

Bill "An Act To Amend the Laws Governing Wage and Benefit  
Records Kept by Contractors Working on Public Works Projects"  
(H.P. 281) (L.D. 361)

Sponsored by Representative HUTTON of Bowdoinham.  
Cosponsored by Senator EDMONDS of Cumberland and  
Representatives: GROSE of Woolwich, HATCH of Skowhegan,  
PATRICK of Rumford, PELLON of Machias, PINEAU of Jay,  
WHEELER of Kittery, Senators: BRYANT of Oxford, HATCH of  
Somerset.

Committee on **LABOR** suggested and ordered printed.  
**REFERRED** to the Committee on **LABOR** and ordered  
printed.

Sent for concurrence.

Bill "An Act To Permit Small Game Hunting on Private  
Property on Sunday in Unorganized Territory"  
(H.P. 308) (L.D. 388)  
Sponsored by Representative McGLOCKLIN of Embden.  
Cosponsored by Senator BRYANT of Oxford and  
Representatives: DUGAY of Cherryfield, PINEAU of Jay,  
RICHARDSON of Greenville, TOBIN of Dexter, WATSON of  
Bath, WHEELER of Kittery, WOTTON of Littleton, Senator:  
DAVIS of Piscataquis.

Committee on **INLAND FISHERIES AND WILDLIFE**  
suggested and ordered printed.

**REFERRED** to the Committee on **INLAND FISHERIES AND  
WILDLIFE** and ordered printed.

Sent for concurrence.

Bill "An Act Eliminating the Receipt by the Maine Veterans'  
Homes of Any Reimbursement from the MaineCare Program for  
the Costs of Renovating the Existing 120-bed Maine Veterans'  
Homes Nursing Facility in Augusta" (EMERGENCY)

(H.P. 293) (L.D. 373)

Sponsored by Speaker COLWELL of Gardiner.  
Cosponsored by Senator GAGNON of Kennebec and  
Representatives: BRUNO of Raymond, CLARK of Millinocket,  
DUPLESSIE of Westbrook, RICHARDSON of Brunswick,  
Senators: President DAGGETT of Kennebec, DAVIS of  
Piscataquis, TREAT of Kennebec, WOODCOCK of Franklin.

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

Bill "An Act To Clarify How Consumers Acquire Information  
about In-pack Sweepstakes, Contests and Games"  
(H.P. 301) (L.D. 381)

Sponsored by Representative HOTHAM of Dixfield.  
Cosponsored by Representatives: BROWN of South Berwick,  
LANDRY of Sanford.

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

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

Sent for concurrence.

Bill "An Act To Prevent Discrimination Against Group Health  
Plans Sponsored by Agricultural Cooperatives"  
(H.P. 286) (L.D. 366)

Sponsored by Representative O'NEIL of Saco.  
Committee on **INSURANCE AND FINANCIAL SERVICES**  
suggested and ordered printed.

**REFERRED** to the Committee on **INSURANCE AND  
FINANCIAL SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Limit the Duration of a Reversion Clause in the  
Deed of a Church"  
(H.P. 287) (L.D. 367)

Sponsored by Representative GAGNE-FRIEL of Buckfield.  
Cosponsored by Senator BENNETT of Oxford and  
Representatives: MILLETT of Waterford, NORTON of Bangor.

Bill "An Act To Encourage Lawful Investigations of Suspected  
Child Abuse and Neglect"

Bill "An Act to Change the Reporting Requirements for the Mercury Switch Removal Program"

(H.P. 305) (L.D. 385)

Sponsored by Representative COWGER of Hallowell.  
Cosponsored by Speaker COLWELL of Gardiner, Senator SAWYER of Penobscot and Representatives: ANNIS of Dover-Foxcroft, DAIGLE of Arundel, DUPLESSIE of Westbrook, HUTTON of Bowdoinham, KOFFMAN of Bar Harbor, SAVIELLO of Wilton, TOBIN of Windham, TWOMEY of Biddeford.

Bill "An Act to Clarify the Use of Municipal Rate-of-growth Ordinances"

(H.P. 315) (L.D. 395)

Sponsored by Representative SUSLOVIC of Portland.  
Cosponsored by Representatives: EDER of Portland, FAIRCLOTH of Bangor, KOFFMAN of Bar Harbor, MILLS of Cornville, SAVIELLO of Wilton.

Committee on **NATURAL RESOURCES** suggested and ordered printed.

**REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

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Bill "An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda" (EMERGENCY)

(H.P. 309) (L.D. 389)

Sponsored by Representative SUSLOVIC of Portland.  
Cosponsored by Representative McLAUGHLIN of Cape Elizabeth, President DAGGETT of Kennebec and Representatives: BARSTOW of Gorham, CLOUGH of Scarborough, COWGER of Hallowell, KOFFMAN of Bar Harbor, MILLS of Cornville, STONE of Berwick.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

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Bill "An Act to Enhance the Maine Earned Income Tax Credit"

(H.P. 298) (L.D. 378)

Sponsored by Representative RICHARDSON of Brunswick.  
Cosponsored by Senator TREAT of Kennebec and Representatives: BRANNIGAN of Portland, DUNLAP of Old Town, LEMOINE of Old Orchard Beach, SIMPSON of Auburn, Senators: EDMONDS of Cumberland, GAGNON of Kennebec, STANLEY of Penobscot.

Bill "An Act To Enhance the Maine Residents Property Tax Program"

(H.P. 302) (L.D. 382)

Sponsored by Representative RICHARDSON of Brunswick.  
Cosponsored by Senator STANLEY of Penobscot and Representatives: BRANNIGAN of Portland, DUNLAP of Old Town, LERMAN of Augusta, Senators: EDMONDS of Cumberland, GAGNON of Kennebec, STRIMLING of Cumberland, TREAT of Kennebec.

Committee on **TAXATION** suggested and ordered printed.

**REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

Bill "An Act To Reinstate a Milk Handling Fee" (EMERGENCY)

(H.P. 274) (L.D. 345)

Sponsored by Representative MILLS of Cornville.  
Under suspension of the rules, cosponsored by Senator WESTON of Waldo and Representatives: BERRY of Belmont, BIERMAN of Sorrento, BRUNO of Raymond, CARR of Lincoln, CHURCHILL of Orland, CLARK of Millinocket, CLOUGH of Scarborough, CRESSEY of Baldwin, DAVIS of Falmouth, DUPREY of Medway, FLETCHER of Winslow, GOODWIN of Pembroke, GREELEY of Levant, HEIDRICH of Oxford, HOTHAM of Dixfield, JACKSON of Fort Kent, JENNINGS of Leeds, JODREY of Bethel, KAELIN of Winterport, KOFFMAN of Bar Harbor, LEDWIN of Holden, McKEE of Wayne, McNEIL of Rockland, MOORE of Standish, NUTTING of Oakland, PIOTTI of Unity, SAVIELLO of Wilton, SHERMAN of Hodgdon, SIMPSON of Auburn, SMITH of Monmouth, SUSLOVIC of Portland, TARDY of Newport, TRAHAN of Waldoboro, USHER of Westbrook, WOTTON of Littleton, Senators: CATHCART of Penobscot, DAMON of Hancock, HALL of Lincoln, KNEELAND of Aroostook, MITCHELL of Penobscot, TREAT of Kennebec.

Committee on **TAXATION** suggested.

On motion of Representative LEMOINE of Old Orchard Beach, **TABLED** pending **REFERENCE** and later today assigned.

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Resolve, Authorizing the Department of Transportation To Erect Signs Identifying the Vietnam Memorial in Bangor

(H.P. 277) (L.D. 357)

Sponsored by Representative TREADWELL of Carmel.  
Cosponsored by Senator SAWYER of Penobscot and Representatives: McKENNEY of Cumberland, PEAVEY-HASKELL of Greenbush.

Bill "An Act To Rescind the Vehicle Registration of a Person Who Pays for That Registration with a Bad Check"

(H.P. 282) (L.D. 362)

Sponsored by Representative HUTTON of Bowdoinham.  
Cosponsored by Senator HATCH of Somerset and Representatives: BLANCHETTE of Bangor, CANAVAN of Waterville, GROSE of Woolwich, LESSARD of Topsham, McLAUGHLIN of Cape Elizabeth, NORTON of Bangor, O'BRIEN of Lewiston, PINEAU of Jay.

Bill "An Act To Amend the Laws Governing Antique Vehicles"

(H.P. 285) (L.D. 365)

Sponsored by Representative PEAVEY-HASKELL of Greenbush.  
Cosponsored by Senator SAVAGE of Knox and Representatives: BUNKER of Kossuth Township, McKENNEY of Cumberland, MOORE of Standish, TOBIN of Windham.

Bill "An Act To Create Animal Shelter Special Registration Plates"

(H.P. 294) (L.D. 374)

Sponsored by Representative DUNLAP of Old Town.  
Cosponsored by Representatives: BLANCHETTE of Bangor, PEAVEY-HASKELL of Greenbush, PINEAU of Jay, THOMAS of Orono, TRAHAN of Waldoboro, TWOMEY of Biddeford.

Resolve, Directing the Commissioner of Transportation To Examine Which Aspects of the Department of Transportation's Operations Could be Privatized

(H.P. 299) (L.D. 379)

Sponsored by Representative McKENNEY of Cumberland.  
Cosponsored by Representatives: COLLINS of Wells, GLYNN of South Portland, GOODWIN of Pembroke, JOY of Crystal, MARLEY of Portland, Senator: SAVAGE of Knox.

Bill "An Act To Exempt Biodiesel Fuel from the Special Fuel Tax"

(H.P. 307) (L.D. 387)

Sponsored by Representative EDER of Portland.  
Cosponsored by Representatives: BULL of Freeport, DUDLEY of Portland, LERMAN of Augusta, PINGREE of North Haven.

Bill "An Act Authorizing the Operation of Low-speed Vehicles on Certain Roads" (EMERGENCY)

(H.P. 313) (L.D. 393)

Sponsored by Representative MARLEY of Portland.  
Cosponsored by Senator ROTUNDO of Androscoggin, Senator HALL of Lincoln and Representatives: COWGER of Hallowell, GERZOFSKY of Brunswick, KOFFMAN of Bar Harbor, McKENNEY of Cumberland, O'NEIL of Saco, RINES of Wiscasset, SULLIVAN of Biddeford.

Committee on **TRANSPORTATION** suggested and ordered printed.

**REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent for concurrence.

Bill "An Act To Reduce the Electric Bill of Persons Requiring Daily Use of Electric Oxygenators"

(H.P. 272) (L.D. 343)

Sponsored by Representative FAIRCLOTH of Bangor.  
Cosponsored by Senator HALL of Lincoln and Representatives: BERRY of Belmont, BLISS of South Portland.

Bill "An Act To Require That Residential Customers Be Given Contracts for Utility Line Extensions"

(H.P. 275) (L.D. 355)

Sponsored by Representative BLISS of South Portland.  
Cosponsored by Senator HALL of Lincoln and Representative: GOODWIN of Pembroke.

Bill "An Act To Require Review of Utility Rates Prior to Approval of Alternative Rate Plans"

(H.P. 291) (L.D. 371)

Sponsored by Representative BLISS of South Portland.  
Cosponsored by Senator HALL of Lincoln and Representative: GOODWIN of Pembroke.

Bill "An Act To Prohibit Use of Computerized Calls by Telemarketers"

(H.P. 312) (L.D. 392)

Sponsored by Representative DUDLEY of Portland.  
Cosponsored by Senator STRIMLING of Cumberland and Representatives: ADAMS of Portland, BLISS of South Portland, BULL of Freeport, COWGER of Hallowell, LAVERRIERE-BOUCHER of Biddeford, MAILHOT of Lewiston, PINGREE of North Haven, Senator: MAYO of Sagadahoc.

Committee on **UTILITIES AND ENERGY** suggested and ordered printed.

**REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent for concurrence.

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

## ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 15)

**ORDERED**, that Representative Joan Bryant-Deschenes of Turner be excused Wednesday, December 4th, 2002, Thursday, January 9th, Tuesday, January 14th and Thursday, January 16th for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Matthew Dunlap of Old Town be excused Tuesday, January 21st and Thursday, January 23rd for legislative business.

**AND BE IT FURTHER ORDERED**, that Representative Janet T. Mills of Farmington be excused Wednesday, January 8th, Thursday, January 9th, Tuesday, January 14th, Thursday, January 16th and Tuesday, January 21st for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Kevin M. Muse of Fryeburg be excused Tuesday, January 21st and Thursday, January 23rd for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative A. David Trahan of Waldoboro be excused Tuesday, January 21st and Thursday, January 23rd for legislative business.

**READ and PASSED.**

## SPECIAL SENTIMENT CALENDAR

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

### In Memory of:

Tony Montanaro, of Casco, internationally renowned mime artist. Founder of an international school of mime and theater in Maine, Tony inspired artists in their pursuit of excellence and also shared his art with young people in schools throughout the State. This respected artist will be sadly missed by his beloved wife, Karen, the Montanaro family, friends and all who benefited by his talents;

(HLS 82)

Presented by Representative DUDLEY of Portland.  
Cosponsored by Representative CUMMINGS of Portland, Representative GAGNE-FRIEL of Buckfield, Representative NORTON of Bangor, Representative FINCH of Fairfield, Representative THOMAS of Orono, Representative FISCHER of Presque Isle, Representative MURPHY of Kennebunk, Representative ANDREWS of York, Representative LEDWIN of Holden, Representative DAVIS of Falmouth, Representative CRESSEY of Baldwin, Senator BENNETT of Oxford, Senator DOUGLASS of Androscoggin, Senator BRENNAN of Cumberland, Senator MITCHELL of Penobscot.

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

**READ.**

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I first met Tony Montanaro more than a dozen years ago. I knew him first as the father of my friend, Adam. I came to call Tony a friend. I didn't know a heck of a lot about mime when I first met Tony, but I was privileged to see him perform a couple



of times and was deeply impressed by his highly developed sense of humor and the incredible human pathos he expressed in his art.

In the middle of December, a few days after his passing, a group of friends, family and former students of Tony, gathered in his home to share memories of him. I would like to share one of those with you today. It is from Fred Garbo, a protégé and friend of Tony. Fred is also known as Garbo. Many of you have probably seen him perform.

"Karen called me up on November 5th and asked me if I could come over, because she had to be somewhere the whole day. She asked if I could come and sit with Tony. At this point, he has been barraged by a lot of people coming over to visit. So, I'm not apprehensive to come over, because I have seen him.

So I show up on November 5th. The first thing he says when I walk in is, don't talk to me. Because everybody's asking me how I feel and it's just too much. So, we sat there all day. He was very quiet. He would nod off to sleep. Then, his brother, Joe, calls up. So, I'm sitting there and I'm not going to talk to him, because he doesn't want to talk. And he goes into this incredible conversation, knowing I'm in the room. I'm kind of like a fly on the wall, overhearing him talk to Joe adamantly for 15 minutes. The last thing he said was, if you want to come up here, it's fine, but I'm ready to go.

A couple of times he said that he was really ready to go. He hangs up the phone and sits next to me. Then he hands me the phone and says, let's go vote.

I didn't know this. But, you know, it was Election Day, so I was asked to take care of Tony. He asked me to go find his coat, and his coat is in the back room. It's freezing, so I put it on him, and I got his slippers and you know, he looks like hell. His hair is all over the place. I asked him if I should bring the car over. He said, no, that he could walk down, but that I should get him out to the front door and then come up and take him down the stairs and I pick him up and toss him down in the seat. I said, I'm still not talking to you and he said that was good.

I take him to vote in Casco. We got out of the car and there were these people selling bread and there was this huge barrage of kids waving signs saying, vote for this and that.

We got in there and he has to give his name. He was hanging onto me. We were just trying to get through this huge gymnasium. There are all these people standing at these voting booths and there was one chair. I said, Tony, I'll get that one for you. He said, okay, that is fine. So, he says his name, Tony Montanaro, and I got Tony seated with his pen and he's doing the voting thing.

A woman turns to me and says, I saw him so many times as a child, so many times, and it is great to see him again.

So we get up to leave and deposit the ballot. The whole group stops, because he's kind of just mincin' along, you know. And as we get to the door, he goes, Jeez, I really cracked them up in there!"

I want to say to Karen, Tony's wife, and Tony's eight children, Joven, Ramen, Chris, Kavi, Adam, Gabriel, Lisa and Laura that we shared in your joy of Tony's life and now we also share in your grief.

Subsequently, **ADOPTED** and sent for concurrence.

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**ENACTORS**  
**Emergency Measure**

An Act to Make Corrections to Laws in Conflict with MCJUSTIS Changes

(H.P. 25) (L.D. 18)  
(C. "A" H-5)

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. 135 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. **ORDERED SENT FORTHWITH.**

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**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 28, 2003, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Authorize a General Fund Bond Issue to Enable Low-income and Moderate-income Families to Conserve Energy in Their Homes"

(H.P. 123) (L.D. 115)

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

TABLED - January 21, 2003 (Till Later Today) by Representative SULLIVAN of Biddeford.

PENDING - **REFERENCE.**

On motion of Representative COLWELL of Gardiner, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

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

**SENATE PAPERS**

The following Joint Order: (S.P. 132)

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 4, 2003, at 10:00 in the morning.

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

**READ** and **PASSED** in concurrence.

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Bill "An Act To Limit State Land Ownership"

(S.P. 124) (L.D. 348)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

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Bill "An Act To Provide Funding For Construction of a Dormitory at the University of Maine at Fort Kent" (EMERGENCY)

(S.P. 126) (L.D. 350)

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$500,000 To Fund the Challenger Learning Center of Maine"

(S.P. 129) (L.D. 353)

Bill "An Act To Promote Student Aspirations through Higher Education Scholarships"

(S.P. 137) (L.D. 400)

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 for Research and Development and Capital Improvements for the University of Maine System and the Maine Technical College System"

(S.P. 142) (L.D. 405)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

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Bill "An Act To Limit the Transfer of Handguns to Minors"  
(S.P. 141) (L.D. 404)

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

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

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Bill "An Act To Impose Restrictions on the Operation of ATVs and Snowmobiles"

(S.P. 130) (L.D. 354)

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

**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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Bill "An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts"

(S.P. 135) (L.D. 398)

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

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

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Bill "An Act To Reduce the Tax Paid on Mahogany Quahogs"  
(S.P. 139) (L.D. 402)

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

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

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Bill "An Act To Increase Civil Process Fees"  
(S.P. 136) (L.D. 399)

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.

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Bill "An Act To Amend the Laws Governing the Deduction of Pension and Retirement Benefits from State Income Tax"

(S.P. 140) (L.D. 403)

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

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

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Bill "An Act To Encourage Energy Efficiency and Security"  
(S.P. 128) (L.D. 352)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

**REFERRED** to the Committee on **UTILITIES AND ENERGY** in concurrence.

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Bill "An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks"

(S.P. 133) (L.D. 396)

Bill "An Act To Require the Plumbers' Examining Board To Adopt the Uniform Plumbing Code"

(S.P. 138) (L.D. 401)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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Bill "An Act Regarding Implied Warranties"  
(S.P. 125) (L.D. 349)

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

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

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

Bill "An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education"

(H.P. 284) (L.D. 364)

Which was **TABLED** by Representative MAILHOT of Lewiston pending **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

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

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On motion of Representative DUDLEY of Portland, the House adjourned at 11:27 a.m., until 10:00 a.m., Tuesday, February 4, 2003 pursuant to the Joint Order (S.P. 132) and in honor and lasting tribute to Tony Montanaro, of Casco.