

# 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  
12th Legislative Day  
Thursday, February 6, 2003

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

Prayer by Reverend Dr. Jesse P. James, Riverview Community Parish, South Gardiner.

Pledge of Allegiance.

Doctor of the day, Amy Costa, M.D., Portland.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

Bill "An Act To Regulate Business Practices between Manufacturers, Distributors and Dealers of Power Equipment, Machinery and Appliances"

(S.P. 171) (L.D. 498)

Committee on **JUDICIARY** 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 Study the Development of an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals"

(S.P. 134) (L.D. 397)

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

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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**Non-Concurrent Matter**

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

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

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in the House on January 30, 2003.

Came from the Senate **REFERRED** to the Committee on **MARINE RESOURCES** in **NON-CONCURRENCE**.

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide That the State Fund 100 Percent of Education for Students from Kindergarten to Postsecondary School

(H.P. 394) (L.D. 509)

Sponsored by Representative GOODWIN of Pembroke.

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

On motion of Representative BRANNIGAN of Portland, the Resolution was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent for concurrence.

Bill "An Act To Promote Economic Development in Rural Maine"

(H.P. 397) (L.D. 512)

Sponsored by Representative CRESSEY of Baldwin.

Cosponsored by Senator HALL of Lincoln and Representatives: CARR of Lincoln, GOODWIN of Pembroke, LORING of the Penobscot Nation, MUSE of Fryeburg, NUTTING of Oakland, RICHARDSON of Skowhegan, SMITH of Van Buren, Senator: DAVIS of Piscataquis.

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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Bill "An Act To Clearly Define the State Fire Marshal's Powers"

(H.P. 414) (L.D. 529)

Sponsored by Representative CRESSEY of Baldwin.

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 Improve the Method of Reapportionment of School Boards" (EMERGENCY)

(H.P. 412) (L.D. 527)

Sponsored by Representative NUTTING of Oakland.

Cosponsored by Senator GAGNON of Kennebec and Representatives: ANDREWS of York, DAVIS of Falmouth.

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 Regulate Assessments of the Maine Health Data Organization"

(H.P. 417) (L.D. 532)

Sponsored by Representative NUTTING of Oakland.

Cosponsored by Senator WESTON of Waldo and Representatives: BRUNO of Raymond, CURLEY of Scarborough, DUGAY of Cherryfield, LAVERRIERE-BOUCHER of Biddeford, O'BRIEN of Augusta.

Resolve, To Increase the Amount of Emergency Assistance Available to Families

(H.P. 420) (L.D. 557)

Sponsored by Representative LAVERRIERE-BOUCHER of Biddeford.

Cosponsored by Representatives: LUNDEEN of Mars Hill, THOMPSON of China.

Resolve, To Enhance Services to Children and Families (EMERGENCY)

(H.P. 421) (L.D. 558)

Sponsored by Representative LAVERRIERE-BOUCHER of Biddeford.

Cosponsored by Representatives: LUNDEEN of Mars Hill, McKEE of Wayne, SULLIVAN of Biddeford, THOMPSON of China.

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 Testing for a Public Safety or Health Care Employee Exposed to Body Fluids in the Course of Employment"

(H.P. 404) (L.D. 519)

Sponsored by Representative MAIETTA of South Portland.

Cosponsored by Representatives: CARR of Lincoln, COURTNEY of Sanford.

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

On motion of Representative LAVERRIERE-BOUCHER of Biddeford, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

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Bill "An Act To Establish New Standards for Credit Reporting"

(H.P. 419) (L.D. 556)

Sponsored by Representative LAVERRIERE-BOUCHER of Biddeford.

Cosponsored by Representatives: LUNDEEN of Mars Hill, SULLIVAN of Biddeford, THOMPSON of China.

Bill "An Act To Allow a Mortgagor To Select a Land Title Company To Perform a Title Search"

(H.P. 423) (L.D. 560)

Sponsored by Representative SHERMAN of Hodgdon.

Cosponsored by Senator NASS of York.

Bill "An Act To Require That Mental Health Workers with LCPC Licenses Are Recognized as Licensed Professionals for Purposes of Insurance Reimbursement"

(H.P. 426) (L.D. 563)

Sponsored by Representative GLYNN of South Portland.

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.

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Bill "An Act To Require Litigation Bonding"

(H.P. 400) (L.D. 515)

Sponsored by Representative DAIGLE of Arundel.

Cosponsored by Senator KNEELAND of Aroostook and Representatives: CLARK of Millinocket, McGLOCKLIN of Embden, PERRY of Bangor, SAVIELLO of Wilton, Senator: SAWYER of Penobscot.

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

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

Sent for concurrence.

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Bill "An Act To Reimburse Employees for Attorney's Fees and Costs When Forced To Pursue Petitions for Payment of Medical Services"

(H.P. 395) (L.D. 510)

Sponsored by Representative WATSON of Bath.

Cosponsored by Representatives: HUTTON of Bowdoinham, PATRICK of Rumford.

Bill "An Act To Increase the Number of Members of the Board of Trustees of the Maine State Retirement System"

(H.P. 413) (L.D. 528)

Sponsored by Representative O'BRIEN of Augusta.

Cosponsored by Representatives: JACKSON of Fort Kent, MILLETT of Waterford, Senators: CARPENTER of York, KNEELAND of Aroostook, LEMONT of York, MITCHELL of Penobscot, SAVAGE of Knox, WESTON of Waldo.

Bill "An Act To Improve Standards for Public Assistance to Employers in the State"

(H.P. 424) (L.D. 561)

Sponsored by Representative HUTTON of Bowdoinham.

Cosponsored by Senator EDMONDS of Cumberland and Representatives: HATCH of Skowhegan, JACKSON of Fort Kent, JENNINGS of Leeds, PATRICK of Rumford, PINEAU of Jay, SMITH of Van Buren, Senator: STANLEY of Penobscot.

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

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

Sent for concurrence.

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Bill "An Act To Hold Supervisors Personally Liable for Discrimination in the Workplace"

(H.P. 408) (L.D. 523)

Sponsored by Representative SIMPSON of Auburn.

Cosponsored by Senator CATHCART of Penobscot and Representatives: DUPLESSIE of Westbrook, RICHARDSON of Brunswick, SMITH of Van Buren.

Committee on **LABOR** suggested.

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

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Resolve, To Allow the Town of Dennysville To Sue the State and the Atlantic Salmon Commission for Breach of Contract

(H.P. 392) (L.D. 507)

Sponsored by Representative GOODWIN of Pembroke.

Bill "An Act To Legalize Gambling if Casinos Are Allowed in the State"

(H.P. 398) (L.D. 513)

Sponsored by Representative CRESSEY of Baldwin.

Cosponsored by Representatives: ANDREWS of York, COLLINS of Wells, HEIDRICH of Oxford, LEWIN of Eliot, MURPHY of Kennebunk.

Bill "An Act To Share Revenue from Sales of Lottery Tickets and To Permit Additional Ticket Sales Locations"

(H.P. 401) (L.D. 516)

Sponsored by Representative CRESSEY of Baldwin.

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 Ensure Legislative Oversight of Major Environmental Policy Proposals"

(H.P. 402) (L.D. 517)

Sponsored by Representative DAIGLE of Arundel.  
Cosponsored by Senator SAWYER of Penobscot and Representative: SAVIELLO of Wilton.

Bill "An Act To Clarify the Responsibilities of the Department of Environmental Protection"

(H.P. 427) (L.D. 564)

Sponsored by Representative HUTTON of Bowdoinham.  
Cosponsored by Representatives: KOFFMAN of Bar Harbor, MAKAS of Lewiston, SAVIELLO of Wilton, THOMPSON of China, TWOMEY of Biddeford, Senator: MARTIN of Aroostook.

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 Encourage Open Space Preservation"

(H.P. 410) (L.D. 525)

Sponsored by Representative DAIGLE of Arundel.  
Cosponsored by Senator MAYO of Sagadahoc and Representatives: CARR of Lincoln, KOFFMAN of Bar Harbor, O'NEIL of Saco, THOMPSON of China, TRAHAN of Waldoboro, Senator: BROMLEY of Cumberland.

Committee on **NATURAL RESOURCES** suggested.

On motion of Representative KOFFMAN of Bar Harbor, the Bill was **REFERRED** to the Committee on **TAXATION**, ordered printed and sent for concurrence.

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RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County

(H.P. 425) (L.D. 562)

Sponsored by Representative JOY of Crystal.  
Cosponsored by Representatives: BERRY of Belmont, CARR of Lincoln, CLARK of Millinocket, GOODWIN of Pembroke, LEDWIN of Holden, SHERMAN of Hodgdon, VAUGHAN of Durham, Senator: STANLEY of Penobscot.

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 Expand the Duties of the Community Preservation Advisory Committee"

(H.P. 407) (L.D. 522)

Sponsored by Representative SUSLOVIC of Portland.  
Cosponsored by Senator BROMLEY of Cumberland and Representatives: BARSTOW of Gorham, COWGER of Hallowell, FAIRCLOTH of Bangor, KOFFMAN of Bar Harbor, McLAUGHLIN of Cape Elizabeth, MILLS of Cornville, ROSEN of Bucksport, TOBIN of Windham.

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

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

Bill "An Act To Clarify the Use of Municipal Rate of Growth Ordinances"

(H.P. 416) (L.D. 531)

Sponsored by Representative SUSLOVIC of Portland.  
Cosponsored by Senator BROMLEY of Cumberland and Representatives: COLLINS of Wells, DUDLEY of Portland, EDER of Portland, KOFFMAN of Bar Harbor, McLAUGHLIN of Cape Elizabeth, MILLS of Cornville.

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

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

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Bill "An Act To Increase the Personal Income Tax Exemption"

(H.P. 399) (L.D. 514)

Sponsored by Representative CRESSEY of Baldwin.  
Cosponsored by Senator WESTON of Waldo and Representatives: CAMPBELL of Newfield, COURTNEY of Sanford, GLYNN of South Portland, HONEY of Boothbay, MILLETT of Waterford, MOORE of Standish, MUSE of Fryeburg, SNOWE-MELLO of Poland.

Bill "An Act To Clarify That the Application Process for the Homestead Property Tax Exemption Is a One-time Process"

(H.P. 406) (L.D. 521)

Sponsored by Representative DUNLAP of Old Town.  
Cosponsored by Representatives: LEMOINE of Old Orchard Beach, PERRY of Bangor, RICHARDSON of Brunswick.

Bill "An Act To Bring Equity to the Vehicle Excise Tax"

(H.P. 415) (L.D. 530)

Sponsored by Representative CRESSEY of Baldwin.  
Cosponsored by Senator TURNER of Cumberland and Representatives: ANDREWS of York, COLLINS of Wells, COURTNEY of Sanford, DAVIS of Falmouth, McKENNEY of Cumberland, NUTTING of Oakland, TRAHAN of Waldoboro, YOUNG of Limestone.

Bill "An Act To Increase the Maine Income Tax Deduction for Benefits Received Under the Maine State Retirement System"

(H.P. 418) (L.D. 555)

Sponsored by Representative PARADIS of Frenchville.  
Cosponsored by Senator GAGNON of Kennebec and Representatives: BARSTOW of Gorham, BLANCHETTE of Bangor, CANAVAN of Waterville, COLLINS of Wells, LUNDEEN of Mars Hill, NORTON of Bangor, O'BRIEN of Lewiston, PERRY of Bangor.

Bill "An Act To Increase the Value of a Parsonage That is Exempt from the Property Tax"

(H.P. 422) (L.D. 559)

Sponsored by Representative HUTTON of Bowdoinham.  
Cosponsored by Representatives: BREAUULT of Buxton, CRESSEY of Baldwin, DAVIS of Falmouth, RICHARDSON of Brunswick, SAVIELLO of Wilton.

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

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

Sent for concurrence.

Bill "An Act To Permit Municipalities To Erect Pedestrian Crossing Stop Signs in the Middle of the Road"

(H.P. 391) (L.D. 506)

Sponsored by Representative CRESSEY of Baldwin.

Cosponsored by Senator SAVAGE of Knox and Representatives: COLLINS of Wells, JODREY of Bethel, MARLEY of Portland, MARRACHÉ of Waterville, McKENNEY of Cumberland, McNEIL of Rockland, PARADIS of Frenchville, USHER of Westbrook.

Resolve, To Rescind Legislative Authorization for Highway Driveway and Entrance Rules

(H.P. 396) (L.D. 511)

Sponsored by Representative KAELIN of Winterport.

Cosponsored by Senator WESTON of Waldo and Representatives: BERRY of Belmont, COLLINS of Wells, McKENNEY of Cumberland, SYKES of Harrison.

Resolve, To Provide a Traffic Light in Naples

(H.P. 403) (L.D. 518)

Sponsored by Representative CRESSEY of Baldwin.

Cosponsored by Senator BENNETT of Oxford.

Bill "An Act To Improve Motor Vehicle Safety"

(H.P. 405) (L.D. 520)

Sponsored by Representative NORBERT of Portland. (BY REQUEST)

Resolve, To Have Signs Erected at the Town of Newburgh in Recognition of Ricky Craven

(H.P. 409) (L.D. 524)

Sponsored by Representative DUPREY of Hampden.

Cosponsored by Senator MITCHELL of Penobscot and Representative: KAELIN of Winterport.

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

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

Sent for concurrence.

Bill "An Act To Transfer Regulation of Towers and Transmitters to Municipalities"

(H.P. 393) (L.D. 508)

Sponsored by Representative GOODWIN of Pembroke.

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

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

Sent for concurrence.

Bill "An Act To Ensure Domestic Tranquility"

(H.P. 411) (L.D. 526)

Sponsored by Representative KETTERER of Madison.

Cosponsored by Representatives: JENNINGS of Leeds, PERCY of Phippsburg, RINES of Wiscasset.

Committee on **UTILITIES AND ENERGY** suggested.

On motion of Representative BLISS of South Portland, **TABLED** pending **REFERENCE** and later today assigned.

#### ORDERS

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

ORDERED, that Representative Joan Bryant-Deschenes of Turner be excused Thursday, January 30th and Tuesday, February 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ken Honey of Boothbay be excused Thursday, January 30th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Linda Rogers McKee of Wayne be excused Tuesday, January 28th for health reasons.

AND BE IT FURTHER ORDERED, that Representative S. Peter Mills of Cornville be excused Tuesday, February 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard M. Sykes of Harrison be excused Tuesday, February 4th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ronald E. Usher of Westbrook be excused Tuesday, January 28th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard G. Woodbury of Yarmouth be excused Thursday, January 30th for personal reasons.

**READ** and **PASSED**.

#### SPECIAL SENTIMENT CALENDAR

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

##### Recognizing:

Sarah Jones Brown, of Orland, on the occasion of her 93rd birthday, February 14. She has been an active member of the Orland United Methodist Church for more than 50 years. Other community service memberships include the Alamoosook Grange, the East Orland Community Club and the Orland Women's Extension Group. We extend our congratulations and best wishes to her on this special occasion;

(HLS 89)

Presented by Representative CHURCHILL of Orland.

Cosponsored by Senator YOUNGBLOOD of Penobscot.

On **OBJECTION** of Representative CHURCHILL of Orland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Orland, Representative Churchill.

Representative **CHURCHILL**: Mr. Speaker, Men and Women of the House. I wish to thank everyone for this recognition. This lady is an outstanding lady she lives alone in a trailer and she is still able to maneuver and she has been a remarkable person. I wish to thank everyone in the House for this recognition.

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

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

**UNFINISHED BUSINESS**

The following matters, 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.

to Amend School Administrative District Cost-sharing and County Tax Apportionments to Recognize the Value of Property in Municipal Tax Increment Financing Districts"

(S.P. 123) (L.D. 347)

- In Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

TABLED - February 4, 2003 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - **REFERENCE IN CONCURRENCE**.

On motion of Representative CUMMINGS of Portland, the Bill was **REFERRED** to the Committee on **TAXATION** in **NON-CONCURRENCE** and sent for concurrence.

Resolve, Directing the President of Each University Campus To Meet With Local Municipal Officers To Negotiate Reasonable and Appropriate Financial Support for Municipal Services Provided

(S.P. 161) (L.D. 442)

- In Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

TABLED - February 5, 2003 (Till Later Today) by Representative CUMMINGS of Portland.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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

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

**SENATE PAPERS**

The following Joint Order: (S.P. 195)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 11, 2003, at 10:00 in the morning.

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

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

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

**SENATE PAPERS**

Bill "An Act to Reroute the Katahdin Trail"

(S.P. 178) (L.D. 538)

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.

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$4,000,000 To Construct the Gulf of Maine Research Laboratory"

(S.P. 174) (L.D. 534)

Bill "An Act To Restore Assistance to Low-income Families with Children Faced with High Housing Costs"

(S.P. 189) (L.D. 549)

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

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

Bill "An Act To Study Maine-Canada Issues"

(S.P. 179) (L.D. 539)

Bill "An Act To Promote Corporate Ethics"

(S.P. 183) (L.D. 543)

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.

Bill "An Act To Ensure Timely Responses to Requests for School Administrative District Reapportionments"

(S.P. 181) (L.D. 541)

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

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Strengthen Health Data Information and Health Planning"

(S.P. 175) (L.D. 535)

Resolve, To Study the Needs of Deaf and Hard-of-hearing Children and Adolescents (EMERGENCY)

(S.P. 193) (L.D. 553)

Bill "An Act To Protect Against Unfair Prescription Drug Practices"

(S.P. 194) (L.D. 554)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act Regarding Employment of Workers' Compensation Board Hearing Officers and Mediators"

(S.P. 190) (L.D. 550)

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

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

Bill "An Act To Hold a Sales Agent Harmless for the Theft of Lottery Tickets if It Reports the Crime Immediately"

(S.P. 176) (L.D. 536)

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

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

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Bill "An Act To Improve Rights to Marine Resources"

(S.P. 184) (L.D. 544)

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

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

On motion of Representative BULL of Freeport, **TABLED** pending **REFERENCE** and later today assigned.

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Bill "An Act To Establish Cleaning Stations for Boats Entering Maine" (EMERGENCY)

(S.P. 192) (L.D. 552)

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

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

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Resolve, To Reduce the State Valuation for the Town of Hermon

(S.P. 182) (L.D. 542)

Bill "An Act To Provide Federal Civil Service Retirees the Same State Income Tax Protection as Federal Military Service Retirees"

(S.P. 185) (L.D. 545)

Bill "An Act To Suspend Property Tax Abatement Appeals When the Taxpayer Fails To Pay Taxes" (EMERGENCY)

(S.P. 191) (L.D. 551)

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 Add a Sign on Interstate 95 Indicating the Town of Bingham"

(S.P. 173) (L.D. 533)

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

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

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Resolve, To Ensure Optimal Energy Efficiency in State-funded Construction

(S.P. 180) (L.D. 540)

Bill "An Act To Ensure Consideration of Accurate Long-term Customer Power Alternatives"

(S.P. 186) (L.D. 546)

Bill "An Act To Increase Bill Reductions for Electricity Customers in Maine"

(S.P. 187) (L.D. 547)

Bill "An Act To Require Fair Treatment of Ratepayers When Electric Utilities Are Sold"

(S.P. 188) (L.D. 548)

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

Bill "An Act To Ensure Domestic Tranquility"

(H.P. 411) (L.D. 526)

Which was **TABLED** by Representative BLISS of South Portland pending **REFERENCE**.

On motion of Representative BLISS of South Portland, the Bill was **REFERRED** to the Committee on **TAXATION**, ordered printed and sent for concurrence.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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The House recessed until the Sound of the Bell.

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(After Recess)

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The House was called to order by the Speaker.

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The following items were 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.

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE FULL PURSUIT OF DIPLOMATIC RESOLUTIONS AND WEAPONS INSPECTIONS

(S.P. 163)

- In Senate, **READ** and **ADOPTED**.

**TABLED** - February 5, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

**PENDING - ADOPTION.**

Representative RICHARDSON of Brunswick **PRESENTED** **House Amendment "A" (H-8)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. We have before us a Joint Resolution supporting a diplomatic resolution to the trouble that we see facing us in Iraq. We ask ourselves then why is it so important for this body to weigh in at this time to talk about issues affecting Iraq, this country and the international body. Frankly, it is our sons and daughters. It is our friends and our neighbors who will go into harms way if we are called to make the ultimate sacrifice of taking people through a military exercise into Iraq.

This Resolution states that we need a bipartisan effort, the kind of effort that I am hoping to achieve here today. We need it on the world stage. We need a broad coalition of people and nations to support the effort. The reason for this is because we



are just beginning the war on terrorism. In order to win that war, we are going to need broad support among the international community. We are asking through this Resolution that the President and the Congress consider taking the time to create the broad coalition necessary.

We also want to give the opportunity of the inspectors from the UN to work and make a difference and perhaps avoid war and in doing so, avoid the loss of life. The life that we are talking about here today are Maine people. It is not just confined to this state, it is all states in the nation. We know that this person, Saddam Hussein, is a dictator. We know that he is an evil person. We know that he committed genocide against his own people. That shouldn't be the only reason we move to war unilaterally. We have evidence. We should convince our neighbors and our friends. We should convince the world community that we have the right reasons for going forward. Make no mistake about it, we, on this side of the aisle, feel very strongly that we can make the case that Saddam Hussein must go from office. We know, we have been able to build that kind of case. However, the world community needs to be convinced of it too. Through this Resolution we are simply asking that the President and Congress bring the kind of coalition that occurred in Iraq in 1991 to this present situation.

We are also asking the President and Congress to allow the inspectors to do their work and to see whether or not through diplomatic means and enforcement through the kinds of inspections that are occurring that we can make a difference and avoid war.

I want people to understand in the State of Maine, make no mistake about this, if war comes, Maine people, both Democrats and Republicans in this institution, will support the military, will support the Commander and Chief, will support the Congress in what needs to be done to remove this dictator and install the democratic principles we cherish so much in Iraq. If that time comes, we will stand united, side by side, Democrat, Republican, Independent and Green. We are simply stating in this Resolution and I would like you to read it very carefully that, in fact, two principles simply apply here. Please consider the multi-lateral approach. Please consider that we give the opportunity to the inspectors to do their job and please consider the possibility of a diplomatic resolution.

Much pressure has been brought on the county of Iraq and also on Saddam Hussein. What we are asking is that that pressure be kept up. The pressure should be increased that world opinion come down around Saddam Hussein to make the difference and to avoid war. As I said, and I will say it again as a final note, if that war comes, make no mistake about it, that is not a partisan issue. That is a bipartisan supported measure. It says it in this Resolution that we will support the President. We will support Congress and most of all, we will support the men and women in the military in their endeavors to bring Saddam Hussein out of that country. Today, I hope not tonight, I move that you accept this Resolution, this amendment, which has been changed dramatically in my estimation from what we first started with, to bring as much of a bipartisan effort to this approach as possible.

We want to send a message to the leaders of our county. We want to do this because we are here. We were elected as the representatives of the people of Maine. It is our duty, yet our obligation, to make statements about such measures to the people who serve us in Congress and the Chief Executive's Office.

I ask you again to please support this measure and thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I want to apologize to this body. I don't need to apologize to this body, but there was a Resolution put in front of us that was distasteful and was embarrassing to the Maine people and embarrassing to the Maine Legislature. I have tried to work with the other side. I want to thank the other side, Majority Leader Richardson and Speaker Colwell for trying to arrive to a point where we are now. Something that is much less offensive to many of us, something that is not a slap in the face to our veterans, something that is not a slap in the face to our armed forces.

We are in a paralyses position right now. We have our military stationed on the border of Iraq probably ready for an attack within the next few weeks. It is not that we want to be there. Nobody wants to go to war. There are many people in this chamber right now who have experienced war, who have lost many relatives and friends. It is not the position that we want to be in. This is a piece of a Resolution that should not be in front of this body and I will not be supporting it.

We do not have the knowledge of our Congress. We do not have the knowledge of our President. There is a reason why we are there. Have we forgotten 9-11 so quickly? Have we forgotten so many terrorist attacks on our soil? I personally think we need to do something. I am not advocating for war, but I am torn in supporting this Resolution, a much watered down version, and also saying that this is not our place as a chamber.

We had passed a supplemental budget last night without a dissenting vote. I cannot remember that in my five terms in the Legislature. What a great start to a difficult session. Now we are going to be torn apart because of a Resolution that is meaningless. It is unfortunate.

Mr. Speaker, I request that we Indefinitely Postpone House Amendment "A" and I ask for a roll call.

Representative BRUNO of Raymond moved that **House Amendment "A" (H-8) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-8).**

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 Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I, too, like our leader am absolutely puzzled at how that earlier Resolution ever made it through a public body of this State of Maine and then came down to this chamber. I am absolutely amazed that a majority of the elected leadership allowed in this time of crisis that Resolution into the Maine Legislature.

This Representative, and I think Representatives on both sides of the aisle, feel that only two possible Resolutions are appropriate at this time. One would be to Saddam Hussein and the government of Iraq that after 11 years of not honoring the agreement that you signed at the end of the Gulf War after thumbing your nose at UN Resolutions and saying they weren't important. There should be a message from this body, the responsibility is on you, Saddam Hussein, to disarm, not on the President of the United States, not on the UN, on Saddam Hussein and the UN even gave him a little wiggle room over the last 11 years and said you can sell some oil for humanitarian reasons for your people. What did he do with that? He doubled the number of palaces. He spent a fortune on facilities, materials and scientists for weapons of mass destruction and then let his

people starve and then held them up that we, in the UN, were responsible.

If there is a Resolution, it should be from this body telling him that he, and he alone, can prevent war. That is who we should be talking to, not the President of the United States. After 11 years and recognizing the threat to our friends in that region and to our interests, he has taken a stand. He had the authority under the Constitution to act. He sought bipartisan support in the Congress and he got it. He went to the UN and laid out a case. He said you either need to act or we might as well disband this organization as a debating society. That is where your Resolution ought to be going.

There should be a second Resolution, if you want to send a second one, and it ought to be to the members of the United Nations and we ought to say that because we contribute a lot of money to the humanitarian programs, the site and also the operation of that organization, if you are going to play a role in keeping the peace and preventing Tierney, then stand up instead of saying that we need more time after 11 years another year, another five, another 10 or another 15 years. It goes on and on.

This amendment talks about some governments around the world that express concern. Some of those governments on that Security Council have multi-billion dollar contracts for oil exploration and delivering that oil, France for one. Isn't it just ironic that France is standing in the way and threatening to use its veto?

Some governments have concerns. Do they have holes in the ground like in the City of New York? Do they have a hole in the ground in Pennsylvania? Do they have American military and civilians that died in the Pentagon? No, they don't. Here in America we can't even bury some of the dead. They were people that went to work. That was their only crime. They have been vaporized. I think you got the wrong message. I think you are talking to the wrong person.

We have Americans and we have Maine men and women who are on the borders in Turkey, Kuwait and Germany on the high seas. They are on their way. What will determine that action is Saddam Hussein, whether he disarms or not. The ball is in his court.

I haven't had a chance to look at the news today, but American airmen and women and allied airmen have probably been shot at today over the northern zone and the southern zone. Because of our technology and because of luck, they are not in the hands of Saddam Hussein. An agreement he signed 11 years ago for those over flights and daily he shoots at Americans, not to light up the sky for CNN, but because he wants to kill them.

If you think that gentleman, if he can get a dirty bomb into Boston or New York or if you think it was just an accident that students from the Middle East were checking out crop dusters while they were getting their pilot license, if you saw the floor of the UN the other day with Secretary Powell, Iraqi jet film, with the canisters coming in and doing simulated gas attacks. If you don't think that he doesn't want to get at us and a little bit more time will remove that threat or if you think he doesn't want to go after Israel and destroy Israel, this is a man that is paying \$25,000 to the family of every murdering bomber in Israel. Not going after Israeli military, but going after people at a bus stop waiting to go to work, people in the marketplace, students at a university, teenagers out in pizza restaurants and at disco techs trying to find that moment where they can be teenagers rather than being in a hostile environment.

We say that the President of the United States has to be communicated with. I think you got the wrong person that you want to send a Resolution to. I think this is as effective as the

original bill. We don't need to communicate with the President of the United States. He is doing what the American people support. No one is enthusiastic about it. The history of Americans are that they are reluctant warriors. We don't gladly go to war, but when we do, it is to fight Tierney and it is to bring liberty. I think if you are going to send a Resolution, at least this Representative, the only thing he is going to vote for is one to Saddam Hussein to wake up and disarm and then a second one to the UN to mean something. Don't just sit there and suck up the bureaucratic salaries. Stand for something. Act and make this man disarm.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative LEMOINE: May I pose two questions to the Chair.

The SPEAKER: The Representative may proceed.

Representative LEMOINE: Is the first issue that is before the body right now a motion to Indefinitely Postpone the pending bill?

The SPEAKER: The motion is to Indefinitely Postpone House Amendment "A."

Representative LEMOINE: My second question is, should that motion fail to pass, would it then be in order to have a roll call on House Amendment "A" itself?

The SPEAKER: If the pending motion fails, the additional motion would be adoption of House Amendment "A."

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I rise in full support of the pending motion to Indefinitely Postpone this House Amendment. I am very much opposed to what the Legislature is contemplating, the division that has been brought upon this chamber and our colleagues down the hall. I find this deplorable. This issue should not be before this body. To have within a Resolution the statement of support of our troops, that is hollow support indeed in this Resolution. Support of our troops means support for their cause. Support of our troops should be unconditional.

It is very hypocritical and hollow to make argument after argument against the need for military action and then suggest, as this Resolution does, full support of our troops if we go to conflict.

As the evidence continues to mount that Saddam Hussein is defiant as ever in his refusal to disarm as mandated by the United Nations, it is unfortunate that this measure has chosen to have support in this chamber, not to support the service of the men and women as they depart overseas. This Resolution on behalf of the great State of Maine calls upon President Bush to pursue these diplomatic resolutions to the conflict over weapons inspections in Iraq. Now, they want all of us, the Maine legislators, to back this Resolution and vote against supporting the men and women of our armed forces, the President of the United States and Congress. I say no.

This issue is, unfortunately, highly partisan. This was not a bipartisan proposal. The original measure before this body didn't even have one Republican sponsor on it. Now we have another partisan amendment before us. Apparently the sponsors of this idea believe that 12 years of diplomacy carried out by both our Democratic President, Bill Clinton, and our Republican President, George Bush, their administrations is an inadequate amount of time to ensure Saddam's compliance.

Further, the people in support of this measure do not believe that those of us in public office have an obligation to support our service men and women, our President and Congress in a time of national emergency.

To quote President Bush, "Whatever action is required, whenever action is necessary, I defend the freedom and security of the American People," said President Bush during his Tuesday evening State of The Union Address. "The job of the UN inspectors is to verify that Iraq's regime is disarming. If it is to Iraq to show exactly where it is hiding its banned weapons, lay those weapons out for the world to see and destroy them as directed. Nothing like this has happened." There is not a member in this body or the other body that wants war. No one wants war, not the President, not the American people and certainly no one voting against this Resolution.

If, however, our President and the Congress determine that conflict is necessary to liberate the people of Iraq and protect us, all of us, from terrorism, such as occurred on September 11th, when thousands of innocent American civilians were murdered in our county then, I and others stand in full 100 percent support of our country. I absolutely respect the sponsor's rights to speak out on this issue. I defend their right to do so. That being said, ladies and gentlemen, I think they are 100 percent wrong on all these points.

In a time when our State of Maine is grappling with massive job losses, a billion dollar deficit and a plummeting economy, we need more now than ever to have our State Legislature, including the sponsors of this piece of legislation, to focus on the issues that they were elected to fix. Mr. Speaker, thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. First of all, I would question the motives that I have been accused of having for coming before here. I believe the rules say that the motives for anybody should not be questioned ever. Also, we should not be questioned ever. Also, we should not be concerned with what happens at the other end of this hall. Those are our rules.

I want to tell you what I see as a role of a lawmaker. We set public policy. I do not believe there is anything wrong with being a peacemaker. The church I attend on Sundays talks about blessed be the peacemakers. I was opposed to the first Resolution because it talked about anything but peace. I am in favor of this one. I will support it. I will proudly defend it. As a parent I sometimes admonish my child. He would cringe. My child is 31 years old. That doesn't stop his mother from admonishing him.

One speaker, I don't remember which one and I do apologize, said that we should have unconditional support. Unconditional support sometimes means saying, take time. I defy any person here in their role of parent to say if they have not said to their child, have you really thought this through? Is this really the time to act?

Our Congressional people, both sides of the aisle, two Republican Senators, two Democrat Congress people, are in the

paper today saying they feel a little stronger, but they issue a wish for more time. We are doing nothing, but agreeing with our own Congressional delegation, both sides of the aisle people.

Many people say there is no difference between men and women. I say there are many differences. One of the differences is that women see children even if they are the children of the most despicable person that I can think of today, those children have a right to give peace time. This Resolution in front of us does not ask for anything, except saying we are part of the United Nations, we need to support it. We can't pick up our ball and say we are going home and playing by ourselves. The rules of a civilized government say that you work on peace as much and for as long as you can. We have a reputation of being a bully. How many times have we said to the Israeli people as they were being bombed by suicide bombers, 12 here, 30 here, take time, don't do anything silly. Even after 9-11 here they continued on the suicide bombers and we begged Israel to please not do anything silly. American lives are precious, but I want you to know that in my church and when I hear the prayers here in the morning, we pray for all people. We prayed this morning for wisdom. Wisdom may very well be the wisdom to allow poor minds to prevail and allow us to play by the rules of the United Nations. We are a democratic country. We say that majority rules. We say we follow rules. In the organization we belong and we domicile here in New York, they have asked for more time.

This talks about peace. Why is it before the Maine State Legislature? Because peace is what we ask for our most precious resources, those young men and women. We have some legislators here whose children are sitting on those aircraft carriers. I wonder if they don't pray for peace and if their children will be taken out of arms way. I can guarantee you if the United Nations says this is enough, every parent of every child who has children in the armed forces, will say yes, it is a just war. At this point, people, it is not a just war. The very association we formed for democracy and civilization says they need more time. This is what it asks for. I think there are an awful lot of Maine parents that would say blessed are the peacemakers. I will vote against this Indefinite Postponement in the hopes that as role models we understand the laws of organizations. We understand the rules of being leaders and not picking up the ball and running home because we don't like the decisions. That is being an American. Thank you.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending the motion of Representative BRUNO of Raymond that **House Amendment "A" (H-8)** be **INDEFINITELY POSTPONED** and later today assigned. (Roll Call Ordered)

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On motion of Representative LESSARD of Topsham, the House adjourned at 4:24 p.m., until 10:00 a.m., Tuesday, February 11, 2003 pursuant to the Joint Order (S.P. 195).