

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
15th Legislative Day
Tuesday, February 18, 2003

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

Prayer by Pastor Tim Brady, Church Hill Baptist, Augusta.

National Anthem by Leavitt Area High School Select Choir, Turner.

Pledge of Allegiance.

The Journal of Friday, February 14, 2003 was read and approved.

SENATE PAPERS

Bill "An Act To Establish the Allagash Waterway Advisory Council"

(S.P. 252) (L.D. 714)

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 \$6,000,000 To Enable LifeFlight of Maine to Fully Implement a Statewide, Dedicated Air-medical Response System"

(S.P. 241) (L.D. 677)

Bill "An Act To Continue Necessary State Funding of Freestanding, Nonprofit Psychiatric Hospitals for Services Provided to Indigent Patients and for Other Purposes" (EMERGENCY)

(S.P. 254) (L.D. 716)

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 Allow Limited Sunday Sales of Automobiles"

(S.P. 246) (L.D. 708)

Bill "An Act To Amend the Membership of the Plumbers' Examining Board"

(S.P. 248) (L.D. 710)

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 Suspend Driving Privileges of Drivers Who Were Cited Twice Within One Year for Driving To Endanger"

(S.P. 243) (L.D. 705)

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.

Bill "An Act to Assist Visual Care Providers in the State"

(S.P. 253) (L.D. 715)

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.

Resolve, To Lower the Costs of Prescription Drugs through the Use of the Federal Public Health Service Act

(S.P. 249) (L.D. 711)

Bill "An Act to Support Health Care Safety Net Programs"

(S.P. 251) (L.D. 713)

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 Mortuary Trusts"

(S.P. 240) (L.D. 676)

Bill "An Act To Extend Participation in the State's Group Health Plan"

(S.P. 250) (L.D. 712)

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

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act To Allow Copies of E-9-1-1 Tapes To Be Admitted into Evidence"

(S.P. 239) (L.D. 675)

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

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

Bill "An Act To Allow Certain Employees of the Maine Technical College System To Amend Their Retirement System Election"

(S.P. 236) (L.D. 672)

Bill "An Act To Increase Maine's Minimum Wage"

(S.P. 237) (L.D. 673)

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 Require Winners of State and Congressional Elections to Receive a Simple Majority of the Total Vote"

(S.P. 238) (L.D. 674)

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.

Bill "An Act Regarding the Disposal of Sludge"
(S.P. 234) (L.D. 670)

Bill "An Act To Require the Department of Environmental Protection To Develop and Implement an Eradication Plan for Invasive Aquatic Plants"
(S.P. 245) (L.D. 707)

Bill "An Act To Require Public Hearings prior to State Agreements for Dam Removal" (EMERGENCY)
(S.P. 247) (L.D. 709)

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

Bill "An Act To Create an Income Tax Credit for Premiums Paid for Health Insurance"
(S.P. 244) (L.D. 706)

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

Resolve, Regarding the Reduction of Barriers to the Transmission of Electricity
(S.P. 232) (L.D. 668)

Bill "An Act To Strengthen the Energy Resources Council"
(S.P. 233) (L.D. 669)

Bill "An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State"
(S.P. 235) (L.D. 671)

Bill "An Act To Amend the Charter of the Lubec Water and Electric District" (EMERGENCY)
(S.P. 242) (L.D. 678)

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.

COMMUNICATIONS

The Following Communication: (H.C. 39)

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

February 12, 2003
Hon. Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333
Dear Clerk MacFarland:
Pursuant to my authority under M.R.S.A. Title 7 §125, I am pleased to appoint Representative Linda Rogers McKee of Wayne to serve as a member of the Board of Agriculture.
If you have any questions regarding this appointment, please do not hesitate to contact me.
Sincerely,
S/Patrick Colwell

Speaker of the House
READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 40)
**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 12, 2003
Hon. Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333
Dear Clerk MacFarland:
Pursuant to my authority under M.R.S.A. Title 5 §3358, I am pleased to appoint the following Representatives to serve as members of the Maine Criminal Justice Commission:
Representative Patricia A. Blanchette of Bangor
Representative Stanley Gerzofsky of Brunswick
Representative Joan Bryant-Deschenes of Turner
If you have any questions regarding these appointments, please do not hesitate to contact me.
Sincerely,
S/Patrick Colwell
Speaker of the House
READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 255)
**STATE OF MAINE
121ST MAINE LEGISLATURE**

January 23, 2003
Sen. Ethan Strimling
Senate Chair, Joint Standing Committee on Criminal Justice and Public Safety
Rep. George H. Bunker, Jr.
House Chair, Joint Standing Committee on Criminal Justice and Public Safety
121st Legislature
Augusta, ME 04333
Dear Senator Strimling and Representative Bunker:
Please be advised that Governor John E. Baldacci has nominated Michael Cantara of Biddeford as Commissioner of the Department of Public Safety.
Pursuant to Title 25, M.R.S.A., §2901, this nomination will require review by the Joint Standing Committee on Criminal Justice and Public Safety and confirmation by the Senate.
Sincerely,
S/Beverly C. Daggett
President of the Senate
S/Patrick Colwell
Speaker of the House
Came from the Senate, **READ and REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.
READ and REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

The Following Communication: (S.C. 46)

**MAINE SENATE
121ST LEGISLATURE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333**

February 14, 2003

Honorable Patrick Colwell
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear Speaker Colwell:

In accordance with Joint Rule 506 of the 121st Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Joint Standing Committee on Criminal Justice and Public Safety, the nomination of Michael Cantara of Biddeford, for appointment as the Commissioner of the Department of Public Safety.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act Concerning Public Members of the Board of Pesticides Control"

(H.P. 564) (L.D. 759)

Sponsored by Representative EDER of Portland.

Cosponsored by Representatives: McKEE of Wayne, PIOTTI of Unity.

Bill "An Act To Amend the Laws Regarding the Location of the Wells National Estuarine Research Reserve"

(H.P. 576) (L.D. 777)

Sponsored by Representative COLLINS of Wells.

Cosponsored by Senator CARPENTER of York and Representatives: BOWEN of Rockport, BROWN of South Berwick, CROSTHWAITE of Ellsworth, McLAUGHLIN of Cape Elizabeth, MURPHY of Kennebunk, PEAVEY-HASKELL of Greenbush, RECTOR of Thomaston, STONE of Berwick.

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.

Bill "An Act To Require a Land Survey Prior to Sale, Processing or Transfer of Any Parcel of Land"

(H.P. 569) (L.D. 770)

Sponsored by Representative GOODWIN of Pembroke.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

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

Resolve, Directing the Department of Public Safety, Bureau of State Police to Provide On-line Access to Sex Offender and

Sexually Violent Predator Registration Information
(EMERGENCY)

(H.P. 563) (L.D. 758)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Representatives: CARR of Lincoln, DUPREY of Medway, GOODWIN of Pembroke.

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.

Bill "An Act To Amend the Maine Registry of Certified Nursing Assistants"

(H.P. 579) (L.D. 780)

Sponsored by Representative ANDREWS of York.

Cosponsored by President DAGGETT of Kennebec and Representatives: KANE of Saco, SHIELDS of Auburn.

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.

Bill "An Act To Permit Sunday Hunting for Residents of the State"

(H.P. 560) (L.D. 755)

Sponsored by Representative JACKSON of Fort Kent.

Cosponsored by Senator STANLEY of Penobscot and Representatives: CARR of Lincoln, DUNLAP of Old Town, FISCHER of Presque Isle, GOODWIN of Pembroke, PATRICK of Rumford.

Bill "An Act To Create the Snowmobile Trail Fund Advisory Council"

(H.P. 577) (L.D. 778)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator KNEELAND of Aroostook and Representatives: DUNLAP of Old Town, GOODWIN of Pembroke, JACKSON of Fort Kent, PINEAU of Jay, USHER of Westbrook, WATSON of Bath, WHEELER of Kittery, Senator: CARPENTER of York.

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 To Allow Homeowners to Set the Amount of Insurance Coverage on Property"

(H.P. 568) (L.D. 769)

Sponsored by Representative GOODWIN of Pembroke.

Cosponsored by Senator GAGNON of Kennebec and Representatives: BUNKER of Kossuth Township, CARR of Lincoln, CLARK of Millinocket, DUPREY of Medway, PERRY of Calais, SHERMAN of Hodgdon, Senator: STANLEY of Penobscot.

Bill "An Act To Require Insurance Companies To Return 1% of Net Profits"

(H.P. 571) (L.D. 772)

Sponsored by Representative GOODWIN of Pembroke.

Cosponsored by Representatives: CLARK of Millinocket, DUDLEY of Portland, DUPLESSIE of Westbrook.

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 Protect the Rights of Leaseholders and Ensure Their Continued Access to Land"

(H.P. 565) (L.D. 760)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator STANLEY of Penobscot and Representatives: CARR of Lincoln, DUPREY of Medway, GOODWIN of Pembroke, JACKSON of Fort Kent, SHERMAN of Hodgdon.

Bill "An Act To Repeal the Anthem Blue Cross Court Agreement of Disbursement of \$88,000,000"

(H.P. 578) (L.D. 779)

Sponsored by Representative GOODWIN of Pembroke.

Cosponsored by Representative: DUGAY of Cherryfield.

Bill "An Act To Require the Payment of Certain Costs Incurred by a Prevailing Party in Court Proceedings by or against Maine Revenue Services"

(H.P. 581) (L.D. 782)

Sponsored by Representative MUSE of Fryeburg.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: ANNIS of Dover-Foxcroft, AUSTIN of Gray, BIERMAN of Sorrento, CARR of Lincoln, DUNLAP of Old Town, JODREY of Bethel, MCKENNEY of Cumberland, O'NEIL of Saco.

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

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

Sent for concurrence.

Bill "An Act To Allow Public Office Candidates To Campaign in State-funded University Dormitories"

(H.P. 559) (L.D. 754)

Sponsored by Representative THOMAS of Orono.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BARSTOW of Gorham, DUGAY of Cherryfield, DUNLAP of Old Town, FISCHER of Presque Isle, PINEAU of Jay, RINES of Wiscasset.

Bill "An Act To Provide Voting Rights to Nonresident Taxpayers"

(H.P. 562) (L.D. 757)

Sponsored by Representative SHERMAN of Hodgdon.

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 Require the Washington County Legislative Delegation to Review the Final Washington County Budget Estimates"

(H.P. 573) (L.D. 774)

Sponsored by Representative GOODWIN of Pembroke.

Cosponsored by Representatives: BUNKER of Kossuth Township, DUGAY of Cherryfield, PELLON of Machias.

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.

Bill "An Act To Facilitate the Application Process for the Maine Residents Property Tax Program"

(H.P. 558) (L.D. 753)

Sponsored by Representative EDER of Portland.

Cosponsored by Representatives: BRUNO of Raymond, CUMMINGS of Portland, DUGAY of Cherryfield, RICHARDSON of Brunswick, SUKEFORTH of Union.

Bill "An Act To Provide an Income Tax Credit for Tuition Paid to Private Schools"

(H.P. 561) (L.D. 756)

Sponsored by Representative SHERMAN of Hodgdon.

Cosponsored by Senator WESTON of Waldo and Representatives: ANDREWS of York, DUPREY of Hampden, GLYNN of South Portland, JOY of Crystal, Senator: NASS of York.

Bill "An Act To Create an Agricultural Property Tax Reimbursement Program"

(H.P. 566) (L.D. 761)

Sponsored by Representative MILLS of Cornville.

Bill "An Act To Expand the Revenue-generating Authority of Municipalities"

(H.P. 572) (L.D. 773)

Sponsored by Representative LEMOINE of Old Orchard Beach.

Bill "An Act To Repeal the Reimbursement of Personal Property Tax on Business Machines and Equipment"

(H.P. 580) (L.D. 781)

Sponsored by Representative GOODWIN of Pembroke.

Bill "An Act To Make the Business Equipment Tax Reimbursement Program a Local Option"

(H.P. 583) (L.D. 783)

Sponsored by Representative LEMOINE of Old Orchard Beach.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Establish a Different Property Tax Rate for Secondary Residential Property for Purposes of Education Funding and To Protect State Funding of Education

(H.P. 582) (L.D. 784)

Sponsored by Representative McGOWAN of Pittsfield.

Cosponsored by Representatives: BLANCHETTE of Bangor, DUGAY of Cherryfield, DUNLAP of Old Town, PELLON of Machias, SHERMAN of Hodgdon, TARDY of Newport, THOMAS of Orono, TOBIN of Dexter.

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

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

Sent for concurrence.

Bill "An Act To Provide Parity in Funding for Enhanced 9-1-1 Services"

(H.P. 570) (L.D. 771)

Sponsored by Representative BLISS of South Portland.

Cosponsored by Senator HALL of Lincoln and Representatives: ADAMS of Portland, BERRY of Belmont, GOODWIN of Pembroke.

Bill "An Act To Clarify That All Companies Offering Telephone Services for Compensation, Including Switchless Resellers, Are Telephone Utilities"

(H.P. 574) (L.D. 775)

Sponsored by Representative BLISS of South Portland.

Cosponsored by Senator HALL of Lincoln and Representatives: ADAMS of Portland, BERRY of Belmont, GOODWIN of Pembroke.

Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

Bill "An Act To Eliminate Potential Restrictions to the Establishment of an Alternative Form of Regulation for Some Telephone Utilities" (EMERGENCY)

(H.P. 575) (L.D. 776)

Sponsored by Representative BLISS of South Portland.

Cosponsored by Senator HALL of Lincoln and Representatives: BERRY of Belmont, GOODWIN of Pembroke.

Submitted by the Public Utilities Commission pursuant to Joint Rule 204.

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

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

Sent for concurrence.

Pursuant to Resolve

Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families

Speaker COLWELL for the **Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families** pursuant to Resolve 2001, chapter 115 asks leave to report that the accompanying Resolve, Directing the Department of Labor To Develop the Family Security Fund To Implement the Recommendations of the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families

(H.P. 567) (L.D. 752)

Be **REFERRED** to the Committee on **LABOR** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative LAVERRIERE-BOUCHER of Biddeford, the following House Order: (H.O. 18)

ORDERED, that the House Rules be amended by adding a new House Rule 108 to read:

Rule 108. Water cooler. When the Legislature is in session, the House must provide 2 water coolers for use by the members of the House. The 2 water coolers must be placed behind the glass in the rear of the chamber. Members may not take water to their seats. Water must be consumed behind the glass in the rear of the chamber.

READ.

On motion of Representative NORBERT of Portland, the House Order was **REFERRED** to the Standing Committee on **JOINT SELECT COMMITTEE ON JOINT RULES.**

CONSENT CALENDAR

First Day

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

(H.P. 15) (L.D. 8) Bill "An Act to Change the Membership of the Board of Trustees of the Maine School of Science and Mathematics" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

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 Friday, February 14, 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 Clarify the Definition of Commercial Agricultural Production"

(H.P. 437) (L.D. 574)

(Committee on **TAXATION** suggested)

TABLED - February 11, 2003 (Till Later Today) by Representative LERMAN of Augusta.

PENDING - REFERENCE.

On motion of Representative LEMOINE of Old Orchard Beach, the Bill was **REFERRED** to the Committee on **TAXATION**, ordered printed and sent for concurrence.

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

On motion of Representative O'BRIEN of Augusta, the House adjourned at 10:59 a.m., until 10:00 a.m., Thursday, February 20, 2003.