

# 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  
20th Legislative Day  
Wednesday, March 5, 2003

Representative BLANCHETTE of Bangor assumed the Chair.  
The House met according to adjournment and was called to order by the Speaker Pro Tem.  
Prayer by Reverend Robert E. Dorr, Waldoboro (retired).  
National Anthem by Martin Swinger, Augusta.  
Pledge of Allegiance.  
The Journal of yesterday was read and approved.

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**SENATE PAPERS**

Resolve, To Improve Energy Efficiency in New School Buildings

(S.P. 278) (L.D. 799)

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

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

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Bill "An Act To Replace the Sales Tax with a Gross Receipts Tax"

(S.P. 366) (L.D. 1094)

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

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

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**Non-Concurrent Matter**

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

(S.P. 163)

**ADOPTED AS AMENDED BY HOUSE AMENDMENT "A" (H-8) AS AMENDED BY HOUSE AMENDMENT "A" (H-9)** thereto in the House on February 11, 2003.

Came from the Senate with the Joint Resolution and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Representative DUPLESSIE of Westbrook moved that the Joint Resolution be **TABLED** until later in today's session pending **FURTHER CONSIDERATION**.

Representative TWOMEY of Biddeford **REQUESTED** a roll call on the motion to **TABLE**.

Fewer than one-fifth of the members present expressed a desire for a roll call which was not ordered.

The Chair ordered a division on the motion to **TABLE**.

A vote of the House was taken. 65 voted in favor of the same and 64 against, and accordingly the Joint Resolution was **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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**Non-Concurrent Matter**

Joint Order, Directing the Joint Standing Committee on State and Local Government To Report Out Legislation Regarding the Maine Historic Preservation Commission

(H.P. 742)

**READ** and **PASSED** in the House on February 25, 2003.  
Came from the Senate **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.  
The House voted to **RECEDE AND CONCUR**.

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**COMMUNICATIONS**

The Following Communication: (S.P. 379)

**121ST LEGISLATURE**

**SENATE OF MAINE**

**OFFICE OF THE PRESIDENT**

**3 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333-0003**

February 26, 2003

The Honorable Joy J. O'Brien

Secretary of the Senate

3 State House Station

Augusta, ME 04333

Dear Secretary O'Brien:

Pursuant to my authority under Joint Rule 351, I have made the following appointments to the Joint Select Committee on Joint Rules:

Senator Kenneth Gagnon of Kennebec, Chair

Senator John L. Martin of Aroostook

Senator Pamela Hatch of Somerset

Senator Kenneth Lemont of York

Senator Kenneth Blais of Kennebec

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

S/Beverly C. Daggett

President of the Senate

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

**READ** and **ORDERED PLACED ON FILE** in concurrence.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Preserve Public Access and Job Opportunities in the North Woods"

(H.P. 874) (L.D. 1177)

Sponsored by Representative COWGER of Hallowell.

Cosponsored by Senator BRYANT of Oxford and Representatives: EDER of Portland, FLETCHER of Winslow, JACKSON of Fort Kent, KOFFMAN of Bar Harbor, LUNDEEN of Mars Hill, PINEAU of Jay, SAVIELLO of Wilton, SMITH of Monmouth.

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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RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict an Increase in the Growth of the State Budget to No Greater than 75% of the Rate of Growth of Per Capita Income

(H.P. 864) (L.D. 1167)

Sponsored by Representative KAELIN of Winterport.

Cosponsored by Senator WESTON of Waldo and Representatives: BERRY of Belmont, CROSTHWAITE of Ellsworth, DUGAY of Cherryfield, JOY of Crystal, MCKENNEY of Cumberland, SHERMAN of Hodgdon, TARDY of Newport.

Bill "An Act To Continue the Maine Farms for the Future Program"

(H.P. 870) (L.D. 1173)

Sponsored by Representative PINGREE of North Haven.

Cosponsored by Senator BRYANT of Oxford and Representatives: MAILHOT of Lewiston, McKEE of Wayne, MILLETT of Waterford, MILLS of Cornville, ROSEN of Bucksport, SMITH of Monmouth, Senators: CATHCART of Penobscot, TREAT of Kennebec.

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 Allow a Victim of Domestic Violence To Carry a Firearm without a Concealed Firearm Permit"

(H.P. 861) (L.D. 1164)

Sponsored by Representative VAUGHAN of Durham.

Cosponsored by Representatives: GOODWIN of Pembroke, JOY of Crystal, Senator: DAVIS of Piscataquis.

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 Exempt Saltwater-only Boats from the Lake and River Protection Sticker Requirements"

(H.P. 858) (L.D. 1161)

Sponsored by Representative KAELIN of Winterport.

Cosponsored by Senator LEMONT of York and Representatives: ASH of Belfast, DUGAY of Cherryfield, PERCY of Phippsburg.

Resolve, To Allow Selected Northern Maine Deer Hunters To Take 2 Deer

(H.P. 863) (L.D. 1166)

Sponsored by Representative JACKSON of Fort Kent.

Cosponsored by Representatives: CLARK of Millinocket, FISCHER of Presque Isle, LUNDEEN of Mars Hill, SMITH of Van Buren, SUSLOVIC of Portland, WATSON of Bath, WOTTON of Littleton.

Bill "An Act To Redefine 'Muzzle-loading Firearm' and Expand the Muzzleloader Hunting Season"

(H.P. 867) (L.D. 1170)

Sponsored by Representative TRAHAN of Waldoboro.

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.

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Bill "An Act To Establish a Cap on Credit Card Rates and To Require Notice of a Change in Credit Card Rates"

(H.P. 865) (L.D. 1168)

Sponsored by Representative SAMPSON of Auburn.

Cosponsored by Representative DUPLESSIE of Westbrook, Senator DOUGLASS of Androscoggin and Representatives:

DUPREY of Medway, O'NEIL of Saco, SIMPSON of Auburn, SMITH of Monmouth.

Bill "An Act Relating to Options for Health Insurance Coverage" (EMERGENCY)

(H.P. 871) (L.D. 1174)

Sponsored by Representative O'NEIL of Saco.

Bill "An Act To Improve the Affordability of Individual and Small Group Health Insurance"

(H.P. 872) (L.D. 1175)

Sponsored by Representative O'NEIL of Saco.

Bill "An Act To Provide Affordable Health Care Insurance to All of the State's Citizens"

(H.P. 873) (L.D. 1176)

Sponsored by Representative JOY of Crystal.

Cosponsored by Senator STANLEY of Penobscot and Representatives: BOWEN of Rockport, CARR of Lincoln, CHURCHILL of Orland, CLARK of Millinocket, FLETCHER of Winslow, GOODWIN of Pembroke, SAVIELLO of Wilton, SHERMAN of Hodgdon.

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 Provide That Employee Terminations by Any Company That Receives Monetary Benefits from the State Require Just Cause"

(H.P. 860) (L.D. 1163)

Sponsored by Representative SULLIVAN of Biddeford.

Cosponsored by Senator EDMONDS of Cumberland and Representatives: COWGER of Hallowell, LAVERRIERE-BOUCHER of Biddeford, PINGREE of North Haven, SMITH of Van Buren.

Bill "An Act To Provide Qualified Interpretation and Translation Services in Workers' Compensation Proceedings"

(H.P. 862) (L.D. 1165)

Sponsored by Representative NORBERT of Portland. (BY REQUEST)

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 Prohibit the Use of Clean Election Funding for Candidates Who Lose in Primaries"

(H.P. 859) (L.D. 1162)

Sponsored by Representative SUSLOVIC of Portland.

Cosponsored by Senator NASS of York and Representatives: BLISS of South Portland, BOWEN of Rockport, COLLINS of Wells, JENNINGS of Leeds, LANDRY of Sanford, McLAUGHLIN of Cape Elizabeth, Senators: GAGNON of Kennebec, TURNER of Cumberland.

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 Phase Out the Business Equipment Tax Reimbursement"

(H.P. 866) (L.D. 1169)

Sponsored by Representative TRAHAN of Waldoboro.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Municipalities To Assess 2nd Homes at up to Twice the Valuation

(H.P. 868) (L.D. 1171)

Sponsored by Representative SUSLOVIC of Portland.

Cosponsored by Senator STRIMLING of Cumberland and Representatives: ADAMS of Portland, BULL of Freeport, COWGER of Hallowell, JACKSON of Fort Kent, KOFFMAN of Bar Harbor, LERMAN of Augusta, McGOWAN of Pittsfield, Senator: DOUGLASS of Androscoggin.

Bill "An Act To Assist American Mills with Tree Growth Management Plan Products"

(H.P. 869) (L.D. 1172)

Sponsored by Representative JACKSON of Fort Kent.

Cosponsored by Senator MARTIN of Aroostook and Representatives: EDER of Portland, JOY of Crystal, LUNDEEN of Mars Hill, SMITH of Van Buren, Senators: KNEELAND of Aroostook, STANLEY of Penobscot.

Committee on TAXATION suggested and ordered printed.

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

Sent for concurrence.

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

#### REPORTS OF COMMITTEE

##### Divided Report

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Reduce the Tax Paid on Mahogany Quahogs"

(S.P. 139) (L.D. 402)

Signed:

Senators:

DAMON of Hancock  
PENDLETON of Cumberland  
BENNETT of Oxford

Representatives:

BULL of Freeport  
SULLIVAN of Biddeford  
ASH of Belfast  
MUSE of Fryeburg  
McNEIL of Rockland  
KAELIN of Winterport  
BIERMAN of Sorrento  
BOWEN of Rockport

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

PERCY of Phippsburg

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**READ**.

On motion of Representative BULL of Freeport, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Ensure Lower Electricity Costs in Maine"

(H.P. 142) (L.D. 183)

Signed:

Senators:

HALL of Lincoln  
BROMLEY of Cumberland  
YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset  
FLETCHER of Winslow  
LUNDEEN of Mars Hill  
MOODY of Manchester  
ADAMS of Portland  
BERRY of Belmont  
BLISS of South Portland  
RICHARDSON of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

CRESSEY of Baldwin  
GOODWIN of Pembroke

**READ**.

On motion of Representative BLISS of South Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Use of Computerized Calls by Telemarketers"

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

Signed:

Senators:

HALL of Lincoln  
BROMLEY of Cumberland  
YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset  
FLETCHER of Winslow  
LUNDEEN of Mars Hill  
MOODY of Manchester  
BLISS of South Portland  
BERRY of Belmont  
GOODWIN of Pembroke  
CRESSEY of Baldwin  
RICHARDSON of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

ADAMS of Portland

**READ**.

On motion of Representative BLISS of South Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 193) (L.D. 238) Bill "An Act to Amend the Energy Resources Council Membership" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

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

**CONSENT CALENDAR**

**Second Day**

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

(H.P. 125) (L.D. 166) Bill "An Act to Amend the Maine Probate Code Regarding the Fee for a Copy of a Will Provided to a Beneficiary"

(H.P. 221) (L.D. 278) Bill "An Act To Eliminate the Restriction on Municipal Investment of Trust Funds"

(H.P. 406) (L.D. 521) Bill "An Act To Clarify That the Application Process for the Homestead Property Tax Exemption Is a One-time Process"

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

**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.

Resolve, Directing Certain State Agencies To Renegotiate an Agreement Regarding Dams on the Sebecook River (EMERGENCY)

(H.P. 737) (L.D. 1016)

(Committee on **NATURAL RESOURCES** suggested)

TABLED - February 25, 2003 (Till Later Today) by Representative KOFFMAN of Bar Harbor.

PENDING - **REFERENCE**.

Subsequently, the Resolve was **REFERRED** to the Committee on **NATURAL RESOURCES**, ordered printed and sent for concurrence.

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

On motion of Representative NORTON of Bangor, the House adjourned at 10:44 a.m., until 10:00 a.m., Thursday, March 6, 2003.