

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

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ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
FIRST REGULAR SESSION
23rd Legislative Day
Wednesday, March 12, 2003

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

Prayer by Reverend James W. Ferrone, South China Community Church.

Pledge of Allegiance.

Doctor of the day, Ira Stockwell, D.O., Westbrook.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.C. 84)

**MAINE SENATE
121ST LEGISLATURE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

March 11, 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 nominations:

Upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs, the nomination of Susan Ann Gendron of Raymond, for appointment as the Commissioner of the Department of Education.

Upon the recommendation of the Joint Standing Committee on Transportation, the nomination of David A. Cole of Brewer for appointment as the Commissioner of the Department of Transportation.

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 To Amend the Educators for Maine Program"

(H.P. 985) (L.D. 1340)

Sponsored by Representative CUMMINGS of Portland.

Submitted by the Finance Authority of Maine pursuant to Joint Rule 204.

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

On motion of Representative SMITH of Monmouth, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act To Give Teachers a Greater Voice in School Improvement"

(H.P. 990) (L.D. 1344)

Sponsored by Representative NORTON of Bangor.

Cosponsored by Senator EDMONDS of Cumberland and Representatives: BLANCHETTE of Bangor, CRAVEN of Lewiston, DAVIS of Falmouth, FISCHER of Presque Isle,

HUTTON of Bowdoinham, MARLEY of Portland, THOMAS of Orono, Senator: DOUGLASS of Androscoggin.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested.

On motion of Representative FISCHER of Presque Isle, the Bill was **REFERRED** to the Committee on **LABOR**, ordered printed and sent for concurrence.

Resolve, Directing the Department of Human Services To Adopt Rules To Reduce Regulatory Burdens on Home Health Agencies

(H.P. 987) (L.D. 1341)

Sponsored by Representative KANE of Saco.

Cosponsored by Senator EDMONDS of Cumberland and Representatives: BRANNIGAN of Portland, Speaker COLWELL of Gardiner, COWGER of Hallowell, LAVERRIERE-BOUCHER of Biddeford, O'NEIL of Saco, RICHARDSON of Brunswick.

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 Protect Public School Departments, School Committees and Superintendents from Certain Suits and Claims"

(H.P. 980) (L.D. 1335)

Sponsored by Representative SNOWE-MELLO of Poland. (BY REQUEST)

Bill "An Act To Establish a Right of Entry for Surveyors Performing Surveying Services"

(H.P. 988) (L.D. 1342)

Sponsored by Representative RICHARDSON of Brunswick.

Cosponsored by Senator MAYO of Sagadahoc and Representatives: MILLS of Farmington, ROSEN of Bucksport.

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

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

Sent for concurrence.

Resolve, To Create the Task Force To Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal Law Enforcement Officers and Firefighters (EMERGENCY)

(H.P. 989) (L.D. 1343)

Sponsored by Representative RICHARDSON of Brunswick.

Cosponsored by Senator EDMONDS of Cumberland and Representatives: BUNKER of Kossuth Township, DUPLESSIE of Westbrook, LESSARD of Topsham, SMITH of Van Buren, Senator: SHOREY of Washington.

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

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

Sent for concurrence.

Bill "An Act to Strengthen the Governmental Ethics Laws"

(H.P. 981) (L.D. 1336)

Sponsored by Representative CANAVAN of Waterville.

Cosponsored by Senator GAGNON of Kennebec and Representatives: DUDLEY of Portland, DUPLESSIE of Westbrook, LERMAN of Augusta.

Bill "An Act To Amend the Laws Governing Campaign Finance"

(H.P. 984) (L.D. 1339)

Sponsored by Representative CANAVAN of Waterville.
Cosponsored by Senator GAGNON of Kennebec and Representatives: ADAMS of Portland, DUDLEY of Portland, DUPLESSIE of Westbrook, LERMAN of Augusta, SUSLOVIC of Portland.

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 Stabilize the Maine Dairy Industry, Protect Consumers against Price Gouging on Milk and Eliminate the BETR/TIF Double Dip"

(H.P. 982) (L.D. 1337)

Sponsored by Representative MILLS of Cornville.
Cosponsored by Representatives: KETTERER of Madison, McKEE of Wayne, MILLS of Farmington.

Bill "An Act To Reform the Tax Laws"

(H.P. 983) (L.D. 1338)

Sponsored by Representative DUNLAP of Old Town.
Committee on **TAXATION** suggested and ordered printed.
REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

Bill "An Act To Require That Replacement Automobile Lights Conform to Federal Standards"

(H.P. 979) (L.D. 1334)

Sponsored by Representative McKEE of Wayne.
Committee on **TRANSPORTATION** suggested and ordered printed.

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

Sent for concurrence.

ORDERS

On motion of Speaker COLWELL of Gardiner, the following Joint Resolution: (H.P. 986) (Under suspension of the rules, cosponsored by President DAGGETT of Kennebec and Representatives: ADAMS of Portland, ANDREWS of York, ANNIS of Dover-Foxcroft, ASH of Belfast, AUSTIN of Gray, BARSTOW of Gorham, BENNETT of Caribou, BERRY of Belmont, BERUBE of Lisbon, BIERMAN of Sorrento, BLANCHETTE of Bangor, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, BRANNIGAN of Portland, BREAUULT of Buxton, BROWN of South Berwick, BROWNE of Vassalboro, BRUNO of Raymond, BRYANT-DESCHENES of Turner, BULL of Freeport, BUNKER of Kossuth Township, CAMPBELL of Newfield, CANAVAN of Waterville, CARR of Lincoln, CHURCHILL of Orland, CHURCHILL of Washburn, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, COURTNEY of Sanford, COWGER of Hallowell, CRAVEN of Lewiston, CRESSEY of Baldwin, CROSTHWAITE of Ellsworth, CUMMINGS of Portland, CURLEY of Scarborough, DAIGLE of Arundel, DAVIS of Falmouth, DUDLEY of Portland, DUGAY of

Cherryfield, DUNLAP of Old Town, DUPLESSIE of Westbrook, DUPREY of Hampden, DUPREY of Medway, EARLE of Damariscotta, EDER of Portland, FAIRCLOTH of Bangor, FINCH of Fairfield, FISCHER of Presque Isle, FLETCHER of Winslow, GAGNE-FRIEL of Buckfield, GERZOFOSKY of Brunswick, GLYNN of South Portland, GOODWIN of Pembroke, GREELEY of Levant, GROSE of Woolwich, HATCH of Skowhegan, HEIDRICH of Oxford, HONEY of Boothbay, HOTHAM of Dixfield, HUTTON of Bowdoinham, JACKSON of Fort Kent, JACOBSEN of Waterboro, JENNINGS of Leeds, JODREY of Bethel, JOY of Crystal, KAELIN of Winterport, KANE of Saco, KETTERER of Madison, KOFFMAN of Bar Harbor, LANDRY of Sanford, LAVERRIERE-BOUCHER of Biddeford, LEDWIN of Holden, LEMOINE of Old Orchard Beach, LERMAN of Augusta, LESSARD of Topsham, LEWIN of Eliot, LORING of the Penobscot Nation, LUNDEEN of Mars Hill, MAIETTA of South Portland, MAILHOT of Lewiston, MAKAS of Lewiston, MARLEY of Portland, MARRACHÉ of Waterville, McCORMICK of West Gardiner, McGLOCKLIN of Embden, McGOWAN of Pittsfield, McKEE of Wayne, McKENNEY of Cumberland, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MILLETT of Waterford, MILLS of Farmington, MILLS of Cornville, MOODY of Manchester, MOORE of the Passamaquoddy Tribe, MOORE of Standish, MURPHY of Kennebunk, MUSE of Fryeburg, NORBERT of Portland, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEIL of Saco, PARADIS of Frenchville, PATRICK of Rumford, PEAVEY-HASKELL of Greenbush, PELLON of Machias, PERCY of Phippsburg, PERRY of Calais, PERRY of Bangor, PINEAU of Jay, PINGREE of North Haven, PIOTTI of Unity, RECTOR of Thomaston, RICHARDSON of Greenville, RICHARDSON of Brunswick, RICHARDSON of Skowhegan, RINES of Wiscasset, ROGERS of Brewer, ROSEN of Bucksport, SAMPSON of Auburn, SAVIELLO of Wilton, SHERMAN of Hodgdon, SHIELDS of Auburn, SIMPSON of Auburn, SMITH of Monmouth, SMITH of Van Buren, SNOWE-MELLO of Poland, STONE of Berwick, SUKEFORTH of Union, SULLIVAN of Biddeford, SUSLOVIC of Portland, SYKES of Harrison, TARDY of Newport, THOMAS of Orono, THOMPSON of China, TOBIN of Windham, TOBIN of Dexter, TRAHAN of Waldoboro, TREADWELL of Carmel, TWOMEY of Biddeford, USHER of Westbrook, VAUGHAN of Durham, WALCOTT of Lewiston, WATSON of Bath, WHEELER of Kittery, WOODBURY of Yarmouth, WOTTON of Littleton, YOUNG of Limestone, Senators: BENNETT of Oxford, BLAIS of Kennebec, BRENNAN of Cumberland, BROMLEY of Cumberland, BRYANT of Oxford, CARPENTER of York, CATHCART of Penobscot, DAMON of Hancock, DAVIS of Piscataquis, DOUGLASS of Androscoggin, EDMONDS of Cumberland, GAGNON of Kennebec, GILMAN of Cumberland, HALL of Lincoln, HATCH of Somerset, KNEELAND of Aroostook, LaFOUNTAIN of York, LEMONT of York, MARTIN of Aroostook, MAYO of Sagadahoc, MITCHELL of Penobscot, NASS of York, PENDLETON of Cumberland, ROTUNDO of Androscoggin, SAVAGE of Knox, SAWYER of Penobscot, SHOREY of Washington, STANLEY of Penobscot, STRIMLING of Cumberland, TREAT of Kennebec, TURNER of Cumberland, WESTON of Waldo, WOODCOCK of Franklin, YOUNGBLOOD of Penobscot)

JOINT RESOLUTION COMMEMORATING THE HOLOCAUST HUMAN RIGHTS CENTER'S LEGISLATIVE AWARENESS DAY AND YOM HASHOAH, THE DAY OF REMEMBRANCE OF THOSE WHO SUFFERED AS VICTIMS OF THE HOLOCAUST

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a systematic program of

genocide, and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some at the cost of their lives and others with lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, March 12, 2003 has been designated as the Holocaust Human Rights Center's Legislative Awareness Day; and

WHEREAS, April 29, 2003 has been designated internationally as a Day of Remembrance of the Victims of the Holocaust, and is known as Yom HaShoah; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 27th to May 4th as the Days of Remembrance of the Victims of the Holocaust, with the theme of "For Your Freedom and Ours"; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Twenty-first Legislature, now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust, urge one and all to recommit themselves to the lessons of the Holocaust through the Holocaust Human Rights Center's Legislative Awareness Day and the international week of commemoration and express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

READ.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative **ROSEN:** Mr. Speaker, Ladies and Gentlemen of the House. I am happy to rise and welcome the men and women that are here today representing the Holocaust Human Rights Center and recognize the wonderful work that they do. They present themselves and tell the living history so that generations that are here since World War II can appreciate the lessons learned during the Holocaust. It is an important service that they provide, particularly when you consider the fact that there is, unfortunately, an effort to rewrite history in some cases and in other cases to simply disregard the lessons of history. These men and women have chosen to support the Human Rights Center and to provide themselves before classes and community groups across the state to tell their story and to remind us that this simply is not only a history lesson, but a reminder that the human spirit has to learn the lessons as we continue on and look at recent examples in Kosovo, Bosnia and Cambodia and Iraq and some of the nations on the African Continent. It is very pertinent today and I am very proud to stand and thank the men and women that have decided to present themselves, to step outside of a comfortable position and to tell their stories and to be the embodiment of a living history.

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

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

CONSENT CALENDAR

Second Day

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

(S.P. 74) (L.D. 151) Bill "An Act Concerning Full-time Law Enforcement and Corrections Officers"

(H.P. 33) (L.D. 26) Bill "An Act to Create the Maine Youth Conservation Wildlife Management Area"

(H.P. 262) (L.D. 319) Bill "An Act to Reenact Standards for Road Construction for Forest Management Activities"

(H.P. 355) (L.D. 463) Bill "An Act to Enhance Integration of Transportation and Land Use Planning"

(H.P. 534) (L.D. 728) Bill "An Act To Repeal the Crime of Plundering at Fires as Larceny"

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

ENACTORS

Acts

An Act to Authorize the Town of Medway to Sell Certain Land (S.P. 62) (L.D. 139)

An Act To Amend the Requirements for a Journeyman Oil Burner Technician License

(H.P. 184) (L.D. 225)

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

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

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

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

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.

Bill "An Act To Clarify the Filing of Municipal Personal Property Tax Liens"

(H.P. 965) (L.D. 1311)

(Committee on **JUDICIARY** suggested)

TABLED - March 11, 2003 (Till Later Today) by Representative GERZOFSKY of Brunswick.

PENDING - **REFERENCE.**

Subsequently, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

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

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REQUIRE THE UNITED STATES DEPARTMENT OF LABOR TO EXAMINE ITS METHODOLOGY FOR CALCULATING RATES IN THE WOODS WAGE SURVEY, TO ESTABLISH HEAVY EQUIPMENT OPERATIONAL RATES AND TO REMOVE BARRIERS TO THE HEALTH AND SAFETY OF PERSONS HARVESTING FOREST PRODUCTS

(H.P. 949)

TABLED - March 11, 2003 (Till Later Today) by Representative DUPLESSIE of Westbrook.

PENDING - Motion of Representative JACKSON of Fort Kent to REFER to the Committee on LABOR.

Subsequently, the Joint Resolution was REFERRED to the Committee on LABOR and sent for concurrence.

At this point, the House conducted Scout Day Ceremonies.

The **SPEAKER**: It is indeed a privilege and an honor to welcome all the Eagle and Gold/Silver Scout recipients who have joined us today, along with their families and their friends. As you all know, today is our third annual Scout Recognition Day here in the Maine Legislature. This celebration is to honor the achievements of scouts from all around this great state, scouts who have received the very highest in scouting honors and awards. Please join me in congratulating these young people for their commitment to the scouting community. I do want to make members aware that there will be photos taken immediately upon adjournment in the rotunda area of the Capitol. Cake and punch will be served.

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

On motion of Representative LANDRY of Sanford, the House adjourned at 10:47 a.m., until 10:00 a.m., Thursday, March 13, 2003.