

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
33RD Legislative Day
Wednesday, April 2, 2003

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

Prayer by Ruth Morrison, Calvary United Methodist Church, Lewiston.

National Anthem by Biddeford High School Chamber Singers.
Pledge of Allegiance.

Doctor of the day, Steven Weisberger, D.O., Jonesport.
The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 117)
STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 27, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 807 An Act To Permit the Use of Videoconferencing for the Purpose of Jail Visitation

L.D. 863 An Act To Require State Reimbursement to Counties for Health Expenses Incurred For Prisoners in County Jails

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Ethan Strimling

Senate Chair

S/Rep. George H. Bunker, Jr.

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 118)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 27, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 143 Resolve, to Improve Access to Breast and Cervical Cancer Treatment

L.D. 220 Resolve, to Expand Community-based Options for Elderly and Disabled Persons

L.D. 429 Resolve, To Increase Allowance Levels for Nursing Home Residents

L.D. 609 An Act To Offset the United States Citizenship Test Fee for Low-income Residents

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael Brennan

Senate Chair

S/Rep. Thomas J. Kane

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 119)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

March 27, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 879 An Act To Require Insurance Companies To Pay up to \$200 for Wigs for Individuals Who Have Lost Hair Due to Medical Reasons

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Christopher P. O'Neil

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 120)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 31, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1016 Resolve, Directing Certain State Agencies To Renegotiate an Agreement Regarding Dams on the Sebasticook River

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. John L. Martin

Senate Chair

S/Rep. Theodore Koffman

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 122)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON JUDICIARY**

March 27, 2003

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 959 An Act To Require the Chief Medical Examiner To Perform Tests When Public Safety or Health Care Personnel Are Exposed

L.D. 1136 An Act To Amend the Maine Business Corporation Act

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton

Senate Chair

S/Rep. William S. Norbert

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 123)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 31, 2003

Honorable Beverly C. Daggett, President of the Senate
Honorable Patrick Colwell, Speaker of the House
121st Maine Legislature
State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 754 An Act To Allow Public Office Candidates To Campaign in State-funded University Dormitories

L.D. 757 An Act To Provide Voting Rights to Nonresident Taxpayers

L.D. 844 An Act To Provide the Option To Nominate Presidential Candidates by Caucus

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Kenneth T. Gagnon

Senate Chair

S/Rep. Joseph E. Clark

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 124)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON TAXATION**

March 31, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 256 An Act to Establish and Permit Medical Savings Accounts

L.D. 505 An Act To Promote Maine Farm and Dairy Products in Place of Soft Drinks in Public Schools and To Create a Maine Residency Program for New Dentists

L.D. 567 An Act To Prohibit Government-subsidized Competition with Lodging Establishments

L.D. 579 An Act To Provide a Property Tax Exemption for Parents Whose Children Attend a Private Elementary or Secondary School

L.D. 600 An Act To Change the Filing Dates on Real Estate Liens

L.D. 601 An Act To Encourage Earlier Tax Refunds

L.D. 706 An Act To Create an Income Tax Credit for Premiums Paid for Health Insurance

L.D. 721 An Act to Encourage More Dentists to Practice in the State

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Stephen Stanley

Senate Chair

S/Rep. David G. Lemoine

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 125)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 31, 2003

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 739 An Act To Clarify Handicapped Parking Status for Disabled Veterans

L.D. 1017 An Act To Broaden the Scope of Driving to Endanger

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Pamela H. Hatch

Senate Chair
S/Rep. Ronald E. Usher
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 503)

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

March 31, 2003
Sen. Peggy A. Pendleton
Senate Chair, Joint Standing Committee on Judiciary
Rep. William S. Norbert
House Chair, Joint Standing Committee on Judiciary
121st Legislature
Augusta, ME 04333

Dear Senator Pendleton and Representative Norbert:
Please be advised that Governor John E. Baldacci has nominated Christine Foster of Portland for reappointment as a District Court Judge.
Pursuant to Title 4, M.R.S.A. §157, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

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

The Following Communication: (S.P. 504)

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

March 31, 2003
Sen. Peggy A. Pendleton
Senate Chair, Joint Standing Committee on Judiciary
Rep. William S. Norbert
House Chair, Joint Standing Committee on Judiciary
121st Legislature
Augusta, ME 04333

Dear Senator Pendleton and Representative Norbert:
Please be advised that Governor John E. Baldacci has nominated Robert Mullen of Winthrop for reappointment as a District Court Judge.
Pursuant to Title 4, M.R.S.A. §157, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

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

The Following Communication: (S.P. 505)

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

March 31, 2003
Sen. Peggy A. Pendleton
Senate Chair, Joint Standing Committee on Judiciary
Rep. William S. Norbert
House Chair, Joint Standing Committee on Judiciary
121st Legislature
Augusta, ME 04333

Dear Senator Pendleton and Representative Norbert:
Please be advised that Governor John E. Baldacci has nominated Peter James Goranites of Cumberland for reappointment as a District Court Judge.
Pursuant to Title 4, M.R.S.A. §157, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

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

The Following Communication: (S.P. 506)

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

March 31, 2003
Sen. Peggy A. Pendleton
Senate Chair, Joint Standing Committee on Judiciary
Rep. William S. Norbert
House Chair, Joint Standing Committee on Judiciary
121st Legislature
Augusta, ME 04333

Dear Senator Pendleton and Representative Norbert:
Please be advised that Governor John E. Baldacci has nominated James MacMichael of Skowhegan for reappointment as a District Court Judge.
Pursuant to Title 4, M.R.S.A. §157, this nomination will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Improve Harvest Standards for Lands Purchased and Harvested within an 8-year Period"

(H.P. 1110) (L.D. 1518)

Sponsored by Representative McKEE of Wayne.

Cosponsored by Senator EDMONDS of Cumberland and Representatives: DUPLESSIE of Westbrook, EDER of Portland, JACKSON of Fort Kent, PINEAU of Jay, PIOTTI of Unity, WATSON of Bath, Senator: TREAT of Kennebec.

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 Improve Access to the Victims' Compensation Fund"

(H.P. 1103) (L.D. 1510)

Sponsored by Representative BUNKER of Kossuth Township.

Cosponsored by Senator STRIMLING of Cumberland.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

Bill "An Act To Amend the Sex Offender Registration and Notification Laws"

(H.P. 1107) (L.D. 1514)

Sponsored by Representative O'BRIEN of Augusta.

Cosponsored by Senator CARPENTER of York.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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 Make Technical Changes to the Laws Concerning Tobacco Manufacturers"

(H.P. 1104) (L.D. 1511)

Sponsored by Representative NORBERT of Portland.

Cosponsored by Senator PENDLETON of Cumberland.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

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

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

Sent for concurrence.

Bill "An Act To Update the Department of Defense, Veterans and Emergency Management Laws"

(H.P. 1106) (L.D. 1513)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Senator MAYO of Sagadahoc.

Submitted by the Department of Defense, Veterans and Emergency Management pursuant to Joint Rule 204.

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.

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Up to 15 Acres of Land and Other Interests of the State at the Long Creek Youth Development Center, in South Portland

(H.P. 1105) (L.D. 1512)

Sponsored by Representative McLAUGHLIN of Cape Elizabeth.

Cosponsored by Senator BROMLEY of Cumberland.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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 Allow the Early Submission of an Application To Become Licensed as a Motor Vehicle Inspector"

(H.P. 1102) (L.D. 1509)

Sponsored by Representative THOMAS of Orono.

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

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

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

Sent for concurrence.

**Pursuant to Public Law
Joint Standing Committee on Judiciary**

Representative NORBERT for the **Joint Standing Committee on Judiciary** pursuant to Public Law 2001, chapter 640, Part B, section 6 asks leave to report that the accompanying Bill "An Act To Make Necessary Technical Changes Relating to the Maine Business Corporation Act and the Maine Professional Service Corporation Act" (EMERGENCY)

(H.P. 1109) (L.D. 1517)

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

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

Sent for concurrence.

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

On motion of Representative BUNKER of Kossuth Township, the following Joint Order: (H.P. 1111)

ORDERED, the Senate concurring, that the Joint Standing Committee on Criminal Justice and Public Safety report out, to the House, a bill regarding prisoner participation in public works projects.

READ and PASSED.
Sent for concurrence. **ORDERED SENT FORTHWITH.**

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following Bangor area students: varsity team members, Justin Vroom, David Kleinschmidt, Jue Wang, Ben Weissman, Kayle Shapero, Eric Brown, Janice Gunther and Ryan Willette; and junior varsity team members, Sarah Rodgers, Mike Guevera, Morris Moffat, James Bailey, Ky Krieger, Isabel Herbold and Elizabeth Whitham, who won top honors in the 2003 TEAMS competition sponsored by the Junior Engineering Technical Society. TEAMS is a dynamic academic program and competition that introduces high school students to the world of engineering. These 2 Bangor teams spent numerous hours preparing for this competition by practicing sample test questions and developing teamwork and problem-solving skills. We send our congratulations to Coach Mark Brittelli and the members of the teams on this achievement;

(HLS 392)

Presented by Representative PERRY of Bangor.
Cosponsored by Senator SAWYER of Penobscot, Representative FAIRCLOTH of Bangor, Representative BLANCHETTE of Bangor, Representative NORTON of Bangor.

On **OBJECTION** of Representative PERRY of Bangor, was **REMOVED** from the Special Sentiment Calendar.
READ and PASSED and sent for concurrence.

Recognizing:

the Bangor High School Debate and Speech Policy Teams, consisting of David Kelly and Shawn Frauley; and Erik Alquist and John Giebfried, on their victories at the state tournament. The two teams were declared co-champions of this interscholastic event sponsored by the National Forensic League and the Maine Principals' Association. We send our congratulations and best wishes to the co-champions on this achievement;

(HLS 393)

Presented by Representative PERRY of Bangor.
Cosponsored by Senator SAWYER of Penobscot, Representative FAIRCLOTH of Bangor, Representative BLANCHETTE of Bangor, Representative NORTON of Bangor.

On **OBJECTION** of Representative PERRY of Bangor, was **REMOVED** from the Special Sentiment Calendar.
READ and PASSED and sent for concurrence.

Recognizing:

the members of the Bangor High School Chess Team and its coach Jonathan Dearing on its successful season. The team finished the regular season with a record of 6-3-1, captured the PVC tournament championship and won its second consecutive state title. Members of the team include: Brian Chick, Thomas Jones, Byron Oakes, William Owens and Stephen Wong. We send our congratulations to the team on these accomplishments;

(HLS 404)

Presented by Representative PERRY of Bangor.
Cosponsored by Representative FAIRCLOTH of Bangor, Representative BLANCHETTE of Bangor, Representative NORTON of Bangor, Senator SAWYER of Penobscot.

On **OBJECTION** of Representative PERRY of Bangor, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Perry.

Representative **PERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I am so proud to have all these young men and women here today for four state championships. Unfortunately there is one more team here that didn't get recognized in the House because the Sentiment was passed through the Senate. That was the Bangor High Basketball Team State Championship Class A. For anyone who says that game, it was unbelievable. A member of the team, as an individual honor, Zack Ray, as being named Mr. Basketball, the top basketball player in the entire State of Maine. There was never a question in any of our minds that he would win that or that they would win the championship game. It did go down to overtime against a very tough Chevrus. It was probably the best basketball game I have seen since the championship two years ago. The Sentiments that got read on the House floor today was the Chess Team, the Debate Team and JETS, which is a Junior Engineering Technology. These young men and women worked so hard on the academic side of competition. I was on the Chess Team in high school and we never made it to the State House for any recognition. We are just so proud of the kids from Bangor. There is a lot of community support. To have four state championships at one time is just amazing. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. It is with indeed a great deal of pleasure and pride that I stand here and recognize all of the students that have come forth from the Bangor School System. Once again, excellence in education and sportsmanship and competitive sports and debating has proven to take the lead for our Bangor champions. Their coaches are to be commended, their teaching staff for the support and most of all, let's not forget to thank the families that supported these children every day that they had to go to practice, the transport, the pick up and the special meals. The parents are every bit as much champions as these young people that are the in House with us today. My congratulations. I can only tell the basketball team, not being a huge sports fan, I was so excited in the last few minutes of that game that I had to leave the room thinking that if I stayed and watched it, I would jinx them. I left the room and they won. Congratulations.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to welcome these young people. I would like to express my sincere pride in them and in their coach advisors, teachers and the whole community in general. They are a real testimony to the hard work and dedication that exists in our public schools today. I am sure if they continue their dedication to purpose, they will be up to accepting the challenge of leading their world when their time comes. Again, we are very proud of you.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-15)** on Bill "An Act Restricting Telemarketers from Blocking Their Telephone Numbers When Making Solicitation Calls"

(S.P. 113) (L.D. 331)

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

GOODWIN of Pembroke

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

CRESSEY of Baldwin

RICHARDSON of Skowhegan

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-15)**.

READ.

On motion of Representative BLISS of South Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-15)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, April 7, 2003.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-75)** on Bill "An Act To Prohibit Coyote Snaring and Eliminate the Coyote Snaring Program"

(H.P. 192) (L.D. 237)

Signed:

Senators:

BRYANT of Oxford

CARPENTER of York

KNEELAND of Aroostook

Representatives:

DUNLAP of Old Town

RICHARDSON of Greenville

TOBIN of Dexter

HONEY of Boothbay

McGLOCKLIN of Embden

TRAHAN of Waldoboro

WHEELER of Kittery

WOTTON of Littleton

WATSON of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-76)** on same Bill.

Signed:

Representative:

PINEAU of Jay

READ.

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The **SPEAKER**: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative **PINEAU**: Mr. Speaker, Ladies and Gentlemen of the House. I would hope that you would oppose the Majority Ought to Pass as Amended Report and support the Minority Ought to Pass as Amended Report. This particular piece of legislation is very contentious. I know that the members have had some problems with it in understanding it. Coyote snaring has been on ongoing department policy for the last 20 years.

We sat through hours of testimony on both sides of the issue. There is no definitive study that gave us answers as to whether coyote snaring, in fact, does help the deer population in the State of Maine. In the recent budget that we just passed, there is no money for the department to support the program as it is currently run. I would hope that you would consider that without the department being able to physically support the program, there will be no oversight to any extent in the program. Even as the program is right now, only 2 percent of the snarers actually are monitored.

In essence, I would ask you to please oppose the Majority Report and please support the Minority Report. Also, Mr. Speaker, when the vote is taken, it be taken by a roll call.

Representative PINEAU of Jay **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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 Monmouth, Representative Smith.

Representative **SMITH**: Mr. Speaker, Members of the House. I would like to offer some thoughts on this bill. I believe most of you know me as a farmer. However, prior to marrying a dairy farm and starting that life, I was also a forester with International Paper. In that job for four or five years, I managed the recreation program on about 650,000 acres owned by International Paper in central Maine and New Hampshire. The recreation program, of course, includes hunting and fishing. Part of my duties also was having a booth for International Paper at the Maine Sportsmen Show. I was on the Sportsmen's Alliance of Maine, Board of Directors for a year or two.

I am also, and probably more importantly, the proud mother of a 16-year-old son who shot his first on opening day last fall. At some point I would love to invite him in and he can tell you the whole story in four-part harmony. It was a wonderful experience in his life. I do believe that hunting and fishing is an important part of Maine's heritage. It needs to be a part of the future as well.

This particular issue, however, concerns me greatly. For me, the key point is, is this a quick humane kill? Sportsmen, I believe, weigh the success of their hunt in a key part on whether or not they were able to accomplish that. Were they able to complete their hunt with minimal suffering for the animal? On this particular issue there isn't a right answer. If it is not a quick kill, then I think that we violate a very fundamental ethic on our dealings with wildlife. My son with his deer was very proud of the

fact that that deer didn't get more than 30 feet. He hit it and it went down. That is the sign of a good hunt. I think it applies to the snaring as well.

Unfortunately if it is not a quick kill, then we have suffering of an animal. If it is a quick kill, we have the whole issue of non-target species that are being killed incidental to the coyote-snaring program. That is a big issue that we really need to consider. There are alternatives. There is the art of working with foothold snares. I understand it is not easy. It takes time to develop the ability, but it gives that option for avoiding killing non-target species and avoiding unreasonable suffering by the animal that is the target.

I would vote no on the Majority Report and I do support the Minority Ought to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I was one of the people that attended the hearing on February 25th, in which over 500 people came. Probably half of those people were people who supported the continuation of this program. Actually it is an expansion of the program. It certainly confirms what has been going on for the past 20 years. I don't see it as anything too new. It is more or less business as usual, a business that has cost us a whole heck of a lot of money and not an appreciable drop, if any in the coyote population, taking 300 to 500 coyotes a year. I love the *Maine Sunday Telegram*, it does those outdoor biology reports. I read them faithfully. Showing that the deer herd is really up there. We really need more people out there hunting. I have a little problem with worrying about some of the deer that are being caught by coyotes.

First, let me establish my own credibility, if you will. I am not an animal rights activist, although I am the House Chair of Agriculture, Conservation and Forestry in which we do care about the welfare of all animals. It is my opinion that coyote snaring is inhumane, cruel and unethical. I talked to a wildlife biologist in my study of this issue. There were several wildlife biologists that I talked to. He said that strangulation is strangulation, whether it takes one day or five days, it is still cruel. We don't strangle our dogs. Maine citizens don't like it when we strangle coyotes either. No one has looked at other ways to deter those coyotes. Some very simple ones that people suggested would be putting out detactors like wolf urine or audiotapes or distracting bait. Those are things that could have been done. Those are things that could have been done. The truth of the matter is we haven't had an honest scientific study of this 20-year program. Prior to that, it was illegal to snare a coyote. I think that we have to take a deep breath here. Even though this is a 12 to 1 report, the number of people who showed up at that hearing that day deserve our time to discuss this situation. I always as chair look out at the number of people who were there and say, whatever you thought before you started this hearing, listen to everything, take notes, challenge your own assumptions. I hope you will today as we try to discuss this.

I think that IF & W's credibility and national reputation are on the line today if we don't eliminate this program. I urge you not to accept this Ought to Pass as Amended Report. For an agency that has achieved amazing results, I am really proud of IF & W, on a shoestring budget, this program is a black mark on both our state and national reputation. Our hunting heritage is long and cherished. Maine citizens value highly our wildlife population. We pride ourselves on our commitment to the outdoors. The coyote has a place in our outdoor heritage. Our interventions must be considered seriously and not make the coyote a literal scapegoat here in this issue.

As I said in the outset, to establish my own credibility, I am not anti-hunting. I am a pretty fair marksman myself, although I don't hunt. My three sons hunt. My husband hunts. My freezer has plenty of venison and even some moose meat that was given to us. I appreciate the white tail deer herd of the State of Maine. I think that we can look at this amendment and see that it is seriously flawed. First of all, the title, "An Act to Improve Animal Control Programs." This does not improve it. It allows snaring through the winter months. That means even through the month of March. Snaring season is over March 31st. March is the breeding season. The youngsters are moving about and establishing new breeding territory.

It says nothing about where this is going to take place. Before it was in the northern and eastern areas and now it is everywhere. It says in number three, I am looking, by the way, at a yellow page, because that was in the committee. You have a white amendment, I hope you can follow it. It says that agents would be deployed by a department wildlife biologist before setting snares. Deployed, is he supervising him? If he is supervising them, he is having to take a lot of time away from his job. One wildlife biologist told me that he had not, he still had the same number of wildlife biologists today that he had in 1962, I believe he said. He has many other duties today. How is he going to find time to do that? Number five, the snares have to be plainly labeled with the full name and address of the person who sets the snares. Are these going to be distributed by the department? Otherwise, the snarer can purchase as many of these as he wants and set as many as he wants as well. It says that only in number seven, the snares equip with relaxing locks have to be checked on a daily basis. There are two other kinds of locks in addition to the relaxing lock. There is also the compression spring cam lock. It is the second most humane. The most humane lock is a ram snare. It closes very quickly and kills the coyote very quickly, but it also kills non-targets very quickly too. It doesn't allow the snare to come back.

If you are allowed up to seven days to check these snares, you are going to get, as the good Representative from Monmouth suggests, non-target species in these traps as well. Trappers have to check their traps every 24 hours. Snares are allowed up to seven days.

In number 11 it says, "The department shall adopt policies and procedures on the use of snares as necessary to minimize the potential for taking non-target snares and to adequately protect threatened and endangered species.

As a Maine citizen I ask for more. I ask for a study. There is nothing here about perhaps reducing the number of buck licenses that are allowed. There is nothing about increasing wildlife habitat. There is nothing about timber harvesting practices. One wildlife biologist told me, in fact, that because of spruce budworm, we had reduced much of the wildlife habitat, but it is coming back. It has been almost 30 years. We are going to see an increase in habitat and consequently the deer as well.

The last thing I would like to say is it disappointed me greatly in the work session to see that the committee only heard from a deer biologist. We did not hear from coyote biologists. Both of those coyote biologists have had much experience and have said unequivocally that this coyote program is not going to reduce the number of coyotes that we have. Let's listen to all of IF & W biologists. Let's have a fair discussion of this, but first let's go on to defeat this bill as amended and go on to pass the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Mr. Speaker, Men and Women of the House. My chief problem with the Majority Report is not

with the goal to manage coyote predation on vulnerable deer in northern Maine where deer are scarce. I don't have a problem with managing predation. I am not opposed to managing coyotes in southern and coastal Maine where coyotes are reportably consuming domestic cats. Managing coyotes preying on cats, I have no problem with it. I do oppose the use of snare traps as the means of controlling coyote predation. Snares are too likely to kill wild cats, such as lynx, bob cat or kill fox or eagles. They are too indiscriminate. We would not use snare traps in southern or coastal Maine because the traps would likely strangle cats and dogs. That would not go over with my constituents who are worried about their cats and dogs, but wouldn't want them strangled. The means would not justify the end. I think this is a policy, ladies and gentlemen of the House, where the means do not justify the ends. There have got to be better ways, more humane ways, more targeted ways to remove coyotes from areas where they are putting the deer at risk or our pets at risk, than this particular process. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. The issue has been brought forward about humaneness and cruelty and to what end we should be controlling a top of the food chain predator. I think it would be important to first define a few of these terms as best we can. To that end, I have endeavored to look at *Webster's New American Heritage Dictionary* and look up the word cruelty. "The quality or condition of being cruel. 2. Something that causes pain or suffering, such as a cruel action or remark." I wasn't really satisfied with that so I looked at *Black's Law Dictionary* in the revised statutes under those definitions and basically what I found were more specific, but nonetheless, in regards to animals, it was more or less confined to domestic animals. The issue of humaneness is perhaps relative. To illustrate that example, and I am glad my good friend from Bar Harbor Representative Koffman, brought up the issue of cats. My wife and I own a few cats. I would pose a question to the body for its consideration. If I take those cats and put them in a situation whereby they howl, they pant, they urinate all over themselves in terror, is that cruel? Think about that one for a few minutes. We are not really talking about those types of subjective definitions of cruelty or humaneness; we are really talking about the structure of an animal damage control program and how it is going to be implemented.

I would maintain and I would lay before this House, that we do other things under the auspices of animal damage control, which could be considered far more egregious than snaring coyotes in deer yards. We poison sea gulls to protect endangered nesting piping plovers, for example. If you really want to get into the issue of cruelty, perhaps we should put a ban on those little glue traps we set for mice. Those are pretty horrific little devices we have out there on grocery store shelves. We use them in our own households. If you want to get at cruelty, perhaps we should talk about that.

This has been a pretty hot issue for this committee for a long time. This has been subject of debate for several years. The Representative from Wayne, Representative McKee is absolutely correct. We have had this program on the ground now for about 20 years. Partly it was in response to the clear cutting, the salvage cutting, after the spruce budworm years and significant portions of wintering habitat for white tail deer were lost. In northern Maine right now, they probably still have a couple of feet on the ground of snow. The Coyote Control Program was designed specifically to protect very sensitive populations of white tail deer for a brief period of time when they are most

vulnerable from over predation. This is not a program to eliminate the eastern coyote. That would be impossible. You couldn't do it with the Air Force dropping daisy cutter bombs all through the north woods. You would have to remove 70 percent of the population of coyotes to reduce the coyote population. That is not our goal.

Our goal is simply to prove temporary relief for those small populations of white tailed deer. We do this because we have learned a lesson from the woodland caribou. When you lose a population of large ungulates, it is very difficult to reestablish it. There is value in protecting those small populations of white tail deer. Yes, we have a lot of deer around Augusta. We have too many deer around Augusta and you also have coyotes in this area. In my town of Old Town, we have about 65 deer per square mile. The statewide management goal is 25 deer per square mile. We have way too many deer in my area. We also have a lot of coyotes. It is very common to find coyote kills of white tail deer. It is very, very common, but the population is high enough that it absorbs it very easily. The problem in these down east and northern areas, the populations of deer are so small that you take a deer wintering area, for those of you who don't know this, deer go somewhere in the winter. They go somewhere, they find shelter, they gather in groups, they eat tree bark and pine needles and balsam needles or whatever they can eat to survive through the winter. Coyote packs will get in there and just decimate those herds.

If you are talking about densities of about two or three deer per square mile, a deer wintering area of 150 deer in it, could have half the deer for northern Washington County in it. You take out 60 or 70 percent of them, you have lost a significant part of the deer herd. All this is designed to do is provide relief for a very short period of time for those deer.

As to the question of the effectiveness and humaneness of the program, I think the committee has done some yeoman service on this amendment. We have heard the concerns of the public. We made some serious structural changes to the program. We put a lot more controls on it, a lot more supervision into it and tightened it up quite a bit. I would invite you to read the Committee Amendment, which has mysteriously disappeared from the back row, by the way. I had to send for another copy. Take a look at that amendment and look at the structure of this program and ask yourself, is this an open-ended program to eradicate a predator? Not at all. There are those who might see that as an advantage as you might see from a distribution that I have laid before you on your desk in the City of Portland. They have concerns about a coyote pack. One coyote pack, you go to northern Maine, there is a lot more than one coyote pack up there. I quote from a gentleman in the article that says, "The neighbors all started talking to me and asking, what is going on? What is happening to our pets?" If it is acceptable as the Representative from Bar Harbor has intimated to eliminate predators because our cats are being taken, it is just as legitimate to protect our wildlife resources from being over predated just as it is acceptable to protect endangered species from being over predated.

I think we are trying to construct a program here, which I think we can certainly hold before the public without any reservations whatsoever. I think the Majority Report does that very, very nicely. If you agree that the position I put my wife's cats in is a cruel act, then I would say that we should also further amend the Minority Report if we reject the Majority Report to say that you cannot only not snare, but neither can you use pet carriers.

Representative CLARK of Millinocket assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Mr. Speaker, Men and Women of the House. I will be very brief. In the past I did quite a bit of hunting. I did snaring, not for coyotes, but for other animals. I have long since stopped snaring. I still do hunt when I can, but there are two factors that have been brought out this morning. It is just an inhumane way of dealing with pests. It is also very indiscriminate despite what we hear from the other side. I found that out from personal experience. I think coyote control could be done much more effectively from other means, maybe a bounty system. Modern science, I think, can tackle this problem and arrive at resolutions. I applaud Representative Pineau for being a minority of one. I urge everybody to go with this position. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. I really wasn't prepared for this topic to come up. However, the Penobscot Nation wishes to go on record as being against coyote snaring. It is inhumane and it is abusive. I can't help but think that there has to be a better way to handle this situation. I would ask that you defeat the Majority Report and go on to the Minority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative **BULL**: Mr. Speaker, Men and Women of the House. I, too, rise in strong support of Representative Pineau and the Minority Report on this bill. I put forth a companion bill to this that came before the IF & W Committee at the same time. It would have also addressed the issue of snaring. This is the one that came through committee with some support. What I am struck with is we are hearing that the justification for the cruelty being inflicted upon the coyotes to this program is that there are other methods out there that are cruel as well. That, to me, is not justification at all. What we need to be doing is looking at this program here and now and ask ourselves, is it justified that we are engaging in such a cruel activity to have a method of predator control. A rhetorical question to the body, what we need to ask ourselves when it comes time to vote on this issue is, is snaring this cruel and inhumane method of killing these animals, which sometimes can take days and days before these animals slowly suffocate to death, is this truly the only method, the only acceptable method, that we, as a state, can endorse in order to have this predator control? Is this the only method that we can have for predator control that does not engage in all this body kill of other species, such as cats, fox and endangered species? I would ask you to keep that in the back of your mind when it comes time to vote on this. Also, keep thinking in the back of your mind that there is also a great deal of concern here from those in the tourist industry of the image that this is giving the State of Maine.

We are a state that is heavily dependent upon tourism. There is no great surprise there. I have an establishment in my town, a very well known lodging establishment, that the owner or the provider of that unit stated that on a number of occasions she has had conversations with visitors to her inn from out of state who are very shocked and dismayed to hear that the State of Maine is condoning and endorsing such an activity. You do need to ask

yourselves also, is this in the best interest of the State of Maine for our economy to be endorsing this? I do not think it is appropriate that the State of Maine would be condoning this practice. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Mr. Speaker, Ladies and Gentlemen of the House. I did not intend to speak on this issue, but I am afraid that this debate has gotten out of hand. There are, in fact, endangered groups of white tail deer in northern Maine. When they yard up for their very survival in the depth of winter, they are the natural prey of coyotes. Those herds cannot survive under that coyote pressure.

What I am hearing today describes for you something that can be imagined as a statewide effort to strangle coyotes wherever they live. That is not, in fact, what has been happening. As a matter of fact, and more importantly, this bill prevents that. There are people living in the north woods who have lived there all their lives, who have lived there for generations, that came and testified before us and some that didn't, that know there is a danger to their white tail population. If this program is not controlled by the Department of Inland Fisheries and Wildlife, those people as vigilantes will continue it on their own. We won't have, as this amendment requires, snares that don't take a week to kill an animal. A snare is specifically designed to kill a coyote as quickly and as humanely as possible, given the nature of the injury itself. Those cam locks and those relaxing snares are not going to be used. We are going to go back to piano wire, baling wire, and that snaring, vigilante snaring, will continue in a local effort to control herds. The department will not be involved in it.

We are talking about wintering yards that take hours on a snowmobile to get to to check a trap for or check a snare for. We are not talking about something that exists in our back yard. We are not talking about something that threatens your cat or a catch. This amendment prohibits the kind of snaring, controls the kind of snaring, to limit it to areas where the Canada lynx doesn't exist. It controls the kind of snare sets that can inadvertently capture, and they have, in the last 10 years, one eagle, when they are not properly laid out, the bait is not set out, when the snares are not set appropriately. For instance, in close proximity to a lake or an area where eagles normally come to feed on fish and other debris left behind. There is a great deal of danger of bi-catch. Keeping the snaring program within the department eliminates that by controlling the people who have set the snares, licensing them, checking on them and controlling the types of snares they use.

If we do not keep that program within the department, it is going to continue in the back woods, unregulated and with far more danger, far more inhumanity than this limited amendment attempts to accomplish.

The coyote snaring money, the bounty money, that has been alluded to is out of the budget. That is gone. Trappers are not going to be paid for coyote pelts by the Department of Inland Fisheries anymore. Any snarer that participates in this program, agents, as they are called in the amendment, will be doing so out of their own belief that what they are doing is a good thing. They are supervised and they are controlled. The kinds of snares they use are specified and controlled. As you see, the bill specifies that for cam lock snares, those snares are going to be checked daily. Again, we are talking about a half-day trip on a snowmobile to check that snare, but this is what this law requires.

If we don't have this amendment, it will continue unregulated and unchecked. I agree with everyone here that snaring itself is a terrible way for any critter to die, so too is being eaten alive by

a coyote. Believe me, we saw lots of testimony to that affect at those hearings as well. Nature balances that out. Man is here intruding to protect a limited number of white tailed deer in the far northern reaches of their range where they herd for a few months out of the winter to try and survive. We are not extending snaring to Westbrook, where frankly they might need it, because they are losing pets every day down there. We are only controlling it in the north woods in a very specific area. Without those controls, ladies and gentlemen, I hate to think what is going to happen up there. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative COWGER: Thank you Mr. Speaker. In looking at the Majority Ought to Pass Report it seems to have nothing to do with prohibiting coyote snaring, nor does it seem to have anything to do with eliminating coyote snaring, my question is in regards to Joint Rule 310, Section 4, should this not have been passed out of committee separately in a new draft report and not as an amendment to the original bill?

Representative COWGER of Hallowell asked the chair to **RULE if Committee Amendment "A" (H-75)** was properly before the body pursuant to Joint Rule 310.4.

Subsequently, the Bill was **TABLED** by the Speaker Pro Tem pending a **RULING OF THE CHAIR**.

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

ORDERS

On motion of Representative CANAVAN of Waterville, the following Joint Resolution: (H.P. 1108) (Cosponsored by Senator MITCHELL of Penobscot and Representatives: Speaker COLWELL of Gardiner, DUDLEY of Portland, DUPREY of Hampden, O'NEIL of Saco, Senators: President DAGGETT of Kennebec, DOUGLASS of Androscoggin, GAGNON of Kennebec, LaFOUNTAIN of York)

JOINT RESOLUTION RECOGNIZING DOROTHEA LYNDE DIX, PIONEER AND ADVOCATE FOR PERSONS WITH MENTAL ILLNESS, ON THE OCCASION OF THE 201ST ANNIVERSARY OF HER BIRTH IN HAMPDEN, MAINE

WHEREAS, April 4, 2003, is the 201st anniversary of the birth in the Town of Hampden of the first nationwide pioneer and advocate for the just treatment of persons with mental illness; and

WHEREAS, Dorothea Lynde Dix worked tirelessly to ensure that the treatment of people with mental illness was fair and humane; and

WHEREAS, prior to her efforts, people with mental illness were housed in jails and poorhouses where they were chained and beaten, and the prevailing understanding was that their condition meant they could not feel pain; and

WHEREAS, Dorothea Dix concluded that many of the women in her Sunday school class in the East Cambridge Jail in Cambridge, Massachusetts were guilty only of mental illness and pleaded their case before a court of law; and

WHEREAS, although the court rejected her argument, the living conditions improved for the inmates; and

WHEREAS, Dorothea Dix undertook an exhaustive survey of the conditions for the mentally ill in jails and prisons and addressed major legislative bodies regarding the inhumane treatment of persons with mental illness; and

WHEREAS, Dorothea Dix almost single-handedly changed public policy about the treatment of people with mental illness in this country and Europe; and

WHEREAS, her efforts resulted in the construction of the first asylum for the mentally ill and in the founding of 32 mental hospitals, removing people with mental illness from jails and prisons and providing them with care and treatment; and

WHEREAS, Dorothea Dix was also instrumental in establishing libraries in prisons, mental hospitals and other institutions; and

WHEREAS, 201 years after Dorothea Dix's birthday the struggle to end discrimination against persons with mental illness has achieved another milestone in the State with the passage of a comprehensive mental health parity bill intended to improve access to mental health services for many children and families of this State; 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 of the State of Maine declare April 4, 2003 as Dorothea Lynde Dix Day in the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Governor John Elias Baldacci and the Department of Behavioral and Developmental Services.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative CANAVAN: Mr. Speaker, Men and Women of the House. This week we celebrate the 201st anniversary of birth of Dorothea Dix, one of Maine's own daughters born in Hampden, April 4, 1802. I think it is a fitting tribute to her memory that today the Chief Executive is signing a bill that will finally give parity and health insurance coverage to people with mental illness. It is fitting because it was Dorothea Dix who many years ago first provided the impetus for change that would ultimately lead to fairer and more humane treatment of people with mental illness today.

I think we, who conduct public policy day by day in this chamber and who may get a little frustrated at a political process that moves in slow motion, might benefit by contemplating momentarily on the life of Dorothea Dix and also on the legislative history of parity for mental illness because there are parallels here.

First, Dorothea Dix saw a wrong and sought to make it right. She lived in a time when people who suffered from mental illness lived in harsh conditions, either at home, in prisons or in poor houses. In her quest to change those conditions, she traveled some 30,000 miles visiting prisons and armed houses. She found people there desperately ill and living in filth and chained up and beaten.

Secondly, she did her homework. She documented what she saw, the conditions in which people were living and the cruelty to which they were subjected. Thirdly, she didn't concern herself with how long it would take to achieve her goals. Hers' was a 40-year mission.

Finally, she didn't let a thing like appearances or convention get in her way. Remember, she lived in the 1800s when women suffrage didn't exist and the role of women was largely that of wife and mother. She lived in a time when women were thought incapable of public speaking. All alone Dorothea Dix went to state legislatures throughout the east to present her findings and to lobby for change. Thereby, she ultimately lent some dignity to the term lobby. She asked legislatures to appropriate funds to build hospitals for the mentally ill. It was no easy selling job either then or now. Some lawmakers said hospitals would be too expensive and others called them too extravagant and still others

suggested that it would be "cheaper to transport Dorothea Dix across the state line."

Dorothea Dix had a mission. She saw a wrong and sought to make it right. When her 40-year quest was finished, she had founded 32 mental hospitals, 15 schools for the mentally retarded, a school for the blind and many nursing schools. I think that we, in this chamber, might benefit knowing that although a quest for parity in health insurance has finally been largely fulfilled with the signing of the parity bill, it has been a long and arduous journey. The success we enjoy today is the combination of efforts by many unsung heroes, including legislators past and present and citizen advocates past and present over a period of many years. Their quest began, just as did the quest of Dorothea Dix so long ago with simply seeing a wrong and then seeking to make it right and then researching and working and persisting despite the odds to finally see justice done. Sometimes the process works. Thank you.

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

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

**CONSENT CALENDAR
First Day**

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

(S.P. 232) (L.D. 668) Resolve, Regarding the Reduction of Barriers to the Transmission of Electricity Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(S.P. 325) (L.D. 984) Bill "An Act To Amend the Laws Governing Registers of Deeds" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 23) (L.D. 37) Bill "An Act to Rename the Town of Westport" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-18)**

(S.P. 45) (L.D. 122) Bill "An Act Regarding the Sampling of Products" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-19)**

(S.P. 136) (L.D. 399) Bill "An Act To Increase Civil Process Fees" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-17)**

(S.P. 272) (L.D. 793) Bill "An Act To Revise the Boundary between the Town of Harrison and the Town of Bridgton" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-16)**

(H.P. 487) (L.D. 657) Bill "An Act To Repeal the Forest Products Antitrust Exemption" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 76) (L.D. 68) Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Less than Six Months" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-83)**

(H.P. 127) (L.D. 168) Bill "An Act To Allow a Municipality To Donate Abandoned Bicycles to a Charitable Organization" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-80)**

(H.P. 202) (L.D. 247) Bill "An Act To Increase the Value of Real and Personal Property Exempt from Attachment" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-81)**

(H.P. 291) (L.D. 371) Bill "An Act To Require Review of Utility Rates Prior to Approval of Alternative Rate Plans" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-85)**

(H.P. 404) (L.D. 519) Bill "An Act To Provide Testing for a Public Safety or Health Care Employee Exposed to Body Fluids in the Course of Employment" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-79)**

(H.P. 547) (L.D. 741) Bill "An Act To Expand the Powers and Authority of Case Management Officers in the Family Division" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-82)**

There being no objections, the above items were 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 item appeared on the Consent Calendar for the Second Day:

(S.P. 22) (L.D. 36) Bill "An Act to Protect the Privacy of Maine Nurses" (C. "A" S-9)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence.

**ENACTORS
Emergency Measure**

An Act Regarding the Enforcement Powers of the Office of the State Fire Marshal

(S.P. 31) (L.D. 79)
(C. "A" S-3)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

Emergency Measure

An Act To Make Additional Allocations From the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2003

(H.P. 1014) (L.D. 1379)
(C. "A" H-69)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 15 against, and accordingly the Bill was **PASSED TO BE**

ENACTED, signed by the Speaker and sent to the Senate.
ORDERED SENT FORTHWITH.

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-75)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (H-76)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Prohibit Coyote Snaring and Eliminate the Coyote Snaring Program"

(H.P. 192) (L.D. 237)

Which was **TABLED** by the Speaker Pro Tem pending a **RULING OF THE CHAIR.**

Subsequently, the Chair **RULED** that the **Committee Amendment "A" (H-75)** was properly before the body.

The **SPEAKER**: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I, as I am sure all of you would assume, I am not an animal rights activist. I don't want to get into debate on how the snaring works and how it doesn't work. I am depending on my regional biologist. He has told me that this is not necessary. He does not believe that we need snaring in order to control the coyotes. I trust his opinion because I usually deal with the science of the matter. Therefore, I will vote and urge you to vote no on this particular amendment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I just want to respond to a few things that have been said. First, the issue of cruelty has been raised. The good Representative from Old Town did read a definition and certainly cruelty may be, in fact, in the eyes of the beholder. I think it is important to point out though that almost all of us have at one time or another in the State of Maine experienced scenes in which we saw violence in nature. We live on a farm. A weasel got into our chicken house and the children came down and they described what they saw. It was horrible. I went up and, yes, all the Easter chickens were indeed dead. It was terrible, but that weasel was the predator of those chickens. The chicken house was not secure so violence did occur. We saw that periodically throughout 30 years of living on a farm and raising children. Violence in nature is indeed common. However, as the wildlife biologist said, there are things that we don't accept. We don't accept strangulations, especially when there are things that we can do to avoid doing that. I have already talked about that.

The second thing I want to bring up is our community. Someone mentioned cats being picked up by coyotes and being eaten. This program, as I understand it, does allow snares to be put in Westbrook or wherever you have a coyotes. My concern there is that not only about kittens, but dogs and children. One member of this body who has a tree farm told me that he ran across a snare in the middle of summer on his tree farm. He could easily have been with a grandchild or a dog and to have been hurt by that snare.

I do want to respond to the good Representative from Bath, Representative Watson, who talked about the effectiveness of the program and the effectiveness of the snaring of coyotes. I will say that there is limited information on how coyote predation impacts the winter survival of deer. As I said earlier, we have not had an exhaustive, comprehensive study. There is unpublished data from Quebec that shows that control of coyotes did lead to increases in the deer herd. Let me explain, however those

coyotes were controlled over a large area, 350 square miles. There was supplemental winter-feeding of deer and temporary closures of deer hunting were done along with coyote control. These drastic measures are not viable in the State of Maine. Removal of territorial residential coyotes around a deeryard can create a sort of social chaos that could actually enhance coyote predation on deer. During the winter most of the coyote population consists of dispersing their young. Territorial coyotes aggressively defend their territories against these dispersing coyotes. Once the territorial coyote is removed, several non-territorial coyotes can move in and inhabit the territory. It is well documented, however, it is the lack of suitable winter habitat that is the prime limiting factor for deer in northern and down east Maine.

The last thing I want to say to you is something that my seatmate just brought up, that is listening to the wildlife biologists. In Maine the organization that wildlife biologists belong to is the Maine Chapter of the Wildlife Society. They came to the hearing having voted 40 to 9 to oppose the snaring program. Their resolve, in fact said, "The Chapter does not support as sound wildlife management, the state's coyote program. Evaluation procedures have not been designed and implemented to ascertain the effects of coyote removal on deer depredation and over winter survival of deer in and around deer wintering yards where coyote removal occurs." It does not support as sound wildlife management IF & W's program to use snares to remove coyotes from these deer wintering yards because the risk of taking non-target wildlife, especially lynx and bald eagles has not been adequately evaluated.

I will close by just one last comment on something I saw on Sunday. I am an avid fan of Wildfire. I don't get home from church in time sometimes to watch it. I sometimes tape it because it has something to do with the committee I chair. It is often about forestry and I enjoy it tremendously. The hosts are enormously charming people. I enjoy the topics that they talk about. This past Sunday there was some gentle ribbing between the two hosts. Harry Vandewide ribbed his co-host by calling him an extremist and called the organization's view on this issue extremism. I think it is extreme too. It gives me pause. Why is the organization trying so hard to keep this? Sometimes extremism is important. Martin Luther King was an extremist for love. The public and I, in general, do not approve of this extreme attitude that sets the coyote up as a scapegoat. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 24

YEA - Andrews, Annis, Bennett, Berry, Berube, Bierman, Blanchette, Bliss, Bowles, Brannigan, Browne W, Bruno, Bunker, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Dugay, Dunlap, Duplessie, Duprey B, Earle, Finch, Fischer, Fletcher, Glynn, Goodwin, Greeley, Heidrich, Honey, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Landry, Lemoine, Lessard, Lewin, Lundeen, Maietta, Mailhot, McGowan, McKenney, McNeil, Millett, Mills J, Mills S, Moody, Murphy, Muse, O'Brien J, O'Brien L, O'Neil, Perry A, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Sukeforth, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Usher, Vaughan, Watson, Wheeler, Wotton, Young, Mr. Speaker.

NAY - Adams, Ash, Austin, Barstow, Bowen, Breault, Brown R, Bryant-Deschenes, Bull, Canavan, Cowger, Craven, Cummings, Davis, Dudley, Eder, Faircloth, Gagne-Friel, Grose,

Hatch, Hutton, Ketterer, Koffman, Laverriere-Boucher, Ledwin, Lerman, Makas, Marley, McCormick, McKee, McLaughlin, Norbert, Norton, Peavey-Haskell, Percy, Pineau, Pingree, Piotti, Rector, Sampson, Saviello, Smith N, Smith W, Stone, Sullivan, Suslovic, Thomas, Thompson, Twomey, Walcott, Woodbury.

ABSENT - Duprey G, Gerzofsky, Marraché, McGlocklin, Moore, Nutting, Paradis, Patrick, Pellon, Perry J, Simpson, Tardy.
Yes, 88; No, 51; Absent, 12; Excused, 0.

88 having voted in the affirmative and 51 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-75)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, April 7, 2003.

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

Emergency Measure

Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags

(S.P. 26) (L.D. 40)
(C. "A" S-4)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Emergency Measure

Resolve, Requiring the Department of Transportation To Consider Replacement of the Waldo-Hancock Bridge

(H.P. 58) (L.D. 50)
(C. "A" H-23)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

Acts

An Act To Make Transportation More Affordable for Low-income Families

(H.P. 357) (L.D. 465)
(C. "A" H-22)

An Act To Exempt a Person Who Performs Work on Certain Vessels from the Laws Governing Professional Engineers

(S.P. 339) (L.D. 995)

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:

SENATE PAPERS

The following Joint Order: (S.P. 509)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, April 7, 2003, at 10:00 in the morning.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Reduce the Electric Bill of Persons Requiring Daily Use of Electric Oxygenators"

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

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
BERRY of Belmont
GOODWIN of Pembroke
CRESSEY of Baldwin
RICHARDSON of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-86)** on same Bill.

Signed:

Representatives:

ADAMS of Portland
BLISS of South Portland

READ.

On motion of Representative BERRY of Belmont, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act To Transfer Regulation of Towers and Transmitters to Municipalities"

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

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
CRESSEY of Baldwin
RICHARDSON of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-87)** on same Bill.

Signed:

Representative:

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. **ORDERED SENT FORTHWITH.**

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

On motion of Representative MURPHY of Kennebunk, the House adjourned at 12:09 p.m., until 10:00 a.m., Monday, April 7, 2003 pursuant to the Joint Order (S.P. 509).