

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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  
35th Legislative Day  
Tuesday, April 8, 2003

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

Prayer by Reverend Lawrence E. Merckens, Riverside Congregational Church, Vassalboro.

National Anthem by Lindsay Bynum, Hall Dale High School, Farmingdale.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

**COMMUNICATIONS**

The Following Communication: (H.C. 130)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

April 7, 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 Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 119 An Act to Provide Continued Funding for the Maine Airs Program
- L.D. 120 An Act to Continue Membership in the National Legislative Association on Prescription Drug Pricing
- L.D. 124 An Act to Provide Funding for Positions to Provide Computer Services to the Blind
- L.D. 549 An Act To Restore Assistance to Low-income Families with Children Faced with High Housing Costs
- L.D. 1024 An Act To Increase Access to Prescription Drugs for Low-income Elderly and Disabled People
- L.D. 1048 An Act To Implement 2 Recommendations of the Commission on Fatherhood Issues Related to Family Case Management Officers and Noncustodial Parent Outreach Programs

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

Sincerely,

S/Sen. Mary R. Cathcart

Senate Chair

S/Rep. Joseph C. Brannigan

House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 131)

**STATE OF MAINE**

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

April 7, 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. 618 An Act To Allow Municipalities To Hire Full-time Humane Law Enforcement Officers
- L.D. 1436 An Act To Clarify That an Individual Requestor of a State Bureau of Identification Record Check Must Pay a Fee

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. 132)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

April 7, 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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 60 An Act to Provide School Districts with Authority to Address the Problem of Truancy
- L.D. 386 An Act to Exempt School Units From Liability When Releasing Information Regarding School Employees Accused of a Crime
- L.D. 390 An Act To Raise the High School Dropout Age
- L.D. 641 An Act To Implement a Recommendation of the Commission on Fatherhood Issues Related to Parental Notice of School Activities and Programs
- L.D. 660 An Act To Create the Maine Humanities Authority
- L.D. 687 An Act To Allow Home Schooled Athletes To Play on Private School Teams
- L.D. 699 Resolve, To Address Multicultural Education Needs of Maine Teachers
- L.D. 822 An Act To Provide Greater Protection for School Children
- L.D. 931 An Act To Provide Certain Health Emergency Training to High School Seniors
- L.D. 1103 An Act To Protect Children from Indecent Material on the Internet
- L.D. 1130 An Act To Protect Children from Classes Contradictory to Their Religious Beliefs

- L.D. 1202 An Act To Require Consistency in the School Budget Process
- L.D. 1229 An Act To Provide School Vouchers to Students in Overcrowded Schools
- L.D. 1241 An Act To Provide Tuition Subsidies for Students in High-growth Areas
- L.D. 1269 An Act To Support Maine's Educational Needs through a Public Education Partnership
- L.D. 1302 An Act To Expand Access to Higher Education

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

Sincerely,  
S/Sen. Neria R. Douglass  
Senate Chair  
S/Rep. Glenn Cummings  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 133)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

April 7, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 185 An Act to Allow Residents 70 Years of Age or Older to Hunt Any Deer
- L.D. 679 An Act to Permit Sunday Hunting in Maine
- L.D. 755 An Act To Permit Sunday Hunting for Residents of the State
- L.D. 790 An Act To Allow a Person To Assist in a Hunt
- L.D. 888 An Act To Establish a Season for Hunting Deer with Primitive Muzzle-loading Firearms
- L.D. 964 An Act To Help Disabled, Elderly and Junior Hunters
- L.D. 1122 An Act To Allow A Junior Hunter To Apply for an Antlerless Deer Permit
- L.D. 1166 Resolve, To Allow Selected Northern Maine Deer Hunters To Take 2 Deer
- L.D. 1227 An Act To Extend the Firearm Deer Hunting Season

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

Sincerely,  
S/Sen. Bruce Bryant  
Senate Chair  
S/Rep. Matthew Dunlap  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 134)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON JUDICIARY**

April 7, 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. 490 An Act Concerning Citizens' Property Rights
- L.D. 770 An Act To Require a Land Survey Prior to Sale, Processing or Transfer of Any Parcel of Land
- L.D. 1029 An Act To Amend the Laws Governing Private Property on Which a Body Is Buried BY REQUEST
- L.D. 1203 An Act Concerning Executive Sessions of Public Bodies

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. 135)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON TAXATION**

April 7, 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. 698 An Act To Increase the Amount Transferred through State-municipal Revenue Sharing
- L.D. 1031 An Act To Impose a Fee on Nonresidents Who Participate in Recreational Activities in the State
- L.D. 1071 An Act To Encourage the Use of Clean Fuel Vehicles
- L.D. 1100 An Act To Amend the Foreclosure Process
- L.D. 1172 An Act To Assist American Mills with Tree Growth Management Plan Products
- L.D. 1247 An Act To Lower the Tax on Prepared Food from 7% to 5%
- L.D. 1258 An Act To Ensure Appropriate Education for Health Care Workers

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. 136)  
**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**  
**COMMITTEE ON TRANSPORTATION**

April 7, 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. 33 An Act to Repeal the Annual Indexing of Motor Fuel Taxes  
L.D. 664 An Act To Make Changes to the Laws Governing the Tax on Motor Fuel  
L.D. 861 Resolve, Directing the Department of Transportation To Erect Signs Identifying Bodies of Water Crossed  
L.D. 923 Resolve, To Increase Safety in Stockton Springs  
L.D. 924 Resolve, To Enhance Public Safety in Winterport  
L.D. 925 Resolve, Directing the Department of Transportation To Repair Swan Lake Road in the Town of Frankfort  
L.D. 998 An Act Regarding Motor Vehicle Registration and Inspection Dates  
L.D. 1050 Resolve, To Establish the Task Force to Study the Feasibility of Adding an Interchange for Access to the Lakes Region Area

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: (H.C. 137)  
**STATE OF MAINE**  
**SUPREME JUDICIAL COURT**

April 4, 2003  
Senator Beverly C. Daggett  
President of the Senate  
3 State House Station  
Augusta, Maine 04333-0003  
Representative Patrick Colwell  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333-0002  
Re:Recodification of the Constitution  
Dear Senate President Daggett and Speaker of the House Colwell:  
It is my honor to present the 2003 recodification of the Maine Constitution.  
Pursuant to the requirements of Article X, section 6 of the Maine Constitution, it is the responsibility of the Chief Justice of the

Supreme Judicial Court to "arrange the Constitution, as amended, under appropriate titles and in proper articles, parts and sections, omitting all sections, clauses and words not in force and making no other changes in the provisions or language thereof." Section 6 requires the Chief Justice to submit the recodification to the Legislature "in 1973 and every 10 years thereafter."

Along with the recodified Constitution, I have developed and enclosed notes indicating the history of changes to the Constitution and the few minor changes that have been made in this decade's recodification. Also incorporated in the notes is a listing of each article amending the Constitution along with the constitutional resolution that created it, its placement in this recodification, and its effective date.

**CHANGES, 2003**

**Headings**

Three heading changes have been made in this recodification. The first supplements the heading in Article IV, part I, section 4, to describe the contents of the entire section.

The second addresses the arrangement of Article IX, section 1, regarding oaths and subscriptions. The arrangement of sentences has been reorganized to make more sense with regard to the availability of an affirmation in place of an oath. None of the substantive language of the section has changed.

The third heading change occurs at Article IX, section 23, where a heading has been added that was not contained in the original certified amendment. The heading simply alerts the reader that the primary focus of section 23 is "State park land."

**Minor Grammatical and Typographical Corrections**

Eight minor grammatical corrections, and two corrections of typographical errors have been made in order to correct obvious grammatical and typographical errors, and to make the current version of the Constitution consistent with the grammatical uses of the actual language of amendments, or to correct minor oversights in the 1993 recodification. They are listed and described in the attached notes.

**CHANGES CONSIDERED BUT NOT MADE, 2003**

Additional consideration was given to Article II, section 1. The specific provision at issue grants the right to vote in elections for governor and state legislators to all U.S. citizens age eighteen or over who are residents in the State, "excepting persons under guardianship for reasons of mental illness." In 1997 and again in 2000, the Maine Legislature proposed a repeal of this constitutional provision. On both occasions the proposed repeal was rejected by the Maine voters in ballot questions. Maine is currently among many states that have some constitutional provision disenfranchising individuals with mental illness. The question presented regarding this recodification is whether the mental illness disenfranchisement provision is still "in force."

The provision prohibiting voting by persons under guardianship for reasons of mental illness was challenged in an action brought in Federal District Court in October 2000. Ultimately, Judge Singal of the Federal District Court held that the challenged prohibition violates the due process and equal protection clauses (both facially and as applied), the Americans with Disabilities Act (ADA), and the Rehabilitation Act. *Doe v. Rowe*, 156 F. Supp. 2d 35 (D. Me. 2001). That judgment was not appealed.

Despite the federal trial court's determination that certain restrictions on voting related to people with mental illness may not be enforced, a comprehensive constitutional approach has not yet been developed. The United States Supreme Court has not addressed the constitutionality of such provisions pursuant to the United States Constitution nor has it addressed whether these provisions are consistent with the ADA. Similarly, the

Supreme Judicial Court of the State of Maine has not addressed the issue in its role as the Law Court. At this point, I have concluded that I do not have the authority to delete that provision from the Constitution. It is incumbent upon me to be cautious in eliminating components of the Maine Constitution before there is final clarity that the provision may not be enforced under any circumstances against any party. Therefore, I have concluded that the provision will remain a part of the Constitution at the point of this recodification.

**NEXT STEPS**

Upon receipt by the Legislature of the recodification, the Constitution requires that "the draft and arrangement, when approved by the Legislature, shall be enrolled on parchment and deposited in the office of the Secretary of State; and printed copies thereof shall be prefixed to the books containing the Revised Statutes of the State."

As always, "the Constitution, with the amendments made thereto, in accordance with the provisions thereof, shall be the supreme law of the State."

I have enclosed both the written version and an electronic version of the 2003 arrangement. It has been my honor to provide this recodification.

All the best,  
S/Leigh I. Saufley  
Chief Justice

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Amend Provisions of the Submerged Lands Law"

(H.P. 1123) (L.D. 1531)

Sponsored by Representative DUDLEY of Portland.

Cosponsored by Senator YOUNGBLOOD of Penobscot.

Submitted by the Department of Conservation pursuant to Joint Rule 204.

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 Raise the Threshold under the Fair Minimum Wage Rate on Construction Projects Law"

(H.P. 1125) (L.D. 1532)

Sponsored by Representative PATRICK of Rumford.

Cosponsored by Representatives: HATCH of Skowhegan,

JACKSON of Fort Kent, SMITH of Van Buren, WATSON of Bath, Senator: EDMONDS of Cumberland.

Submitted by the Department of Labor pursuant to Joint Rule 204.

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

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

Sent for concurrence.

Bill "An Act To Create the Maine National Guard Education Assistance Program"

(H.P. 1126) (L.D. 1533)

Sponsored by Representative CLARK of Millinocket.

Cosponsored by Representative: PATRICK of Rumford.

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.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Kennebec Savings Bank, of Augusta, on being selected for the 2003 Governor's Award for Business Excellence. Incorporated in 1870 as a state-chartered mutual savings bank, Kennebec Savings Bank offers a full range of services to individual as well as business customers. The bank supports local communities and agencies through its Community Dividends program. Its proactive community outreach, its focus on the long-term health of the organizations it supports and its genuine concern for the effect that the assistance has on those who benefit from it exemplify the tenants of "commitment to community." We extend our congratulations to Kennebec Savings Bank on its receiving this award;

(HLS 428)

Presented by Representative O'BRIEN of Augusta.

Cosponsored by President DAGGETT of Kennebec, Representative BROWNE of Vassalboro, Representative LERMAN of Augusta.

On **OBJECTION** of Representative O'BRIEN of Augusta, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. Recently as I was driving through the drive thru at Kennebec Savings Bank I saw the really beautiful banner that said 2003 Governor's Award for Business Excellence. When I inquired as to the criteria for this award and found what they were, it was so very clear to me why Kennebec Savings Bank was chosen for this award. With all due respect to the bankers within the sound of my voice and all the banking institutions that they represent, I was absolutely thrilled to see that Kennebec Savings has received this award.

If you go around the circle I am sure that many of you have noticed, the west side rotary and I wouldn't recommend doing that too often, the beautiful historic building. They have done wonders to that building. Kennebec Savings is very, very concerned about historic preservation. I am sure they would give you a tour if you went in. It is such a beautiful exterior and interior. You will also notice and we are so pleased in this community that they have made this commitment, you will also notice the grounds. There is green space. There are grounds that are beautifully landscaped and it is just so nice to see that in the middle of a city.

We are so fortunate to have them as a member of the Augusta and the central Maine community for many, many reasons. Many of you know that I am the founder and the executive director of the Children's Discovery Museum in downtown Augusta. We have been there for 11 years and have spent many years prior to that getting ready. Kennebec Savings has always taken the lead in supporting us. We count them as such a great supporter and such a great partner and friend.

I am very proud and thrilled and pleased to be able to recognize Kennebec Savings Bank for this award and congratulations.

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

**In Memory of:**

Diane "Di" Francis, of Bath, who gave generously of her time and money to help preserve the city's cultural character. Well-known as a guiding light in the Bath community, she was a co-founder of the Maine Maritime Museum, the Chocolate Church Performing Arts Center and Sagadahoc Preservation Inc., and was involved in numerous organizations that have helped the city preserve its heritage. She was a passionate gardener and her flower garden was a landmark on Washington Street. Mrs. Francis, one of Bath's jewels, will be greatly missed by her family, many friends and others who benefited from her goodwill;

(HLS 426)

Presented by Representative WATSON of Bath.

Cosponsored by Senator MAYO of Sagadahoc, Representative PERCY of Phippsburg, Representative GROSE of Woolwich, Representative HUTTON of Bowdoinham, Representative GERZOFISKY of Brunswick, Representative RICHARDSON of Brunswick.

On **OBJECTION** of Representative WATSON of Bath, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **WATSON**: Mr. Speaker, Ladies and Gentlemen of the House. Our many friends join the City of Bath in mourning the passage of one of the city's leading citizens, Diane Francis. Long before it was politically correct, Di Francis began a campaign to save certain important examples of Bath's architectural heritage. She single handedly saved the historic Winter Street Church by actually standing in front of a bulldozer prior to its destruction. With others Di Francis transformed Bath's landmark Chocolate Church into the Performing Arts Center of Bath and now the Center for the Arts at the Chocolate Church. The Chocolate Church over the years has presented visual and performing arts to thousands of mid coast residents and visitors from away. Mr. Speaker, with her departure, we are reminded that her generation now passes to us the responsibility of preserving Maine's past and making it relevant to our generation and the generations to follow. Thank you.

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

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act to Amend the Membership of the Propane and Natural Gas Board"

(S.P. 49) (L.D. 126)

Signed:

Senators:

BROMLEY of Cumberland

HALL of Lincoln

SHOREY of Washington

Representatives:

AUSTIN of Gray

BERUBE of Lisbon

JACOBSEN of Waterboro

ROGERS of Brewer

RECTOR of Thomaston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-20)** on same Bill.

Signed:

Representatives:

SULLIVAN of Biddeford

O'BRIEN of Lewiston

DUPREY of Medway

PELLON of Machias

SMITH of Monmouth

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

**READ.**

Representative SULLIVAN of Biddeford moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-89)** on Bill "An Act To Expand the Membership of the Plumbers' Examining Board To Include a Local Plumbing Inspector"

(H.P. 499) (L.D. 682)

Signed:

Representatives:

SULLIVAN of Biddeford

O'BRIEN of Lewiston

PELLON of Machias

SMITH of Monmouth

AUSTIN of Gray

BERUBE of Lisbon

JACOBSEN of Waterboro

ROGERS of Brewer

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

Signed:

Senator:

BROMLEY of Cumberland

Representative:

RECTOR of Thomaston

**READ.**

On motion of Representative SULLIVAN of Biddeford, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-89)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 10, 2003.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass** on Bill "An Act To Exclude Voluntary Intoxication as a Criminal Defense" (EMERGENCY)

(H.P. 592) (L.D. 815)

Signed:

Senators:

HATCH of Somerset  
CARPENTER of York

Representatives:

BUNKER of Kossuth Township  
MAIETTA of South Portland  
SYKES of Harrison  
GROSE of Woolwich  
GREELEY of Levant  
BLANCHETTE of Bangor  
CHURCHILL of Washburn  
LESSARD of Topsham

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

Signed:

Senator:

STRIMLING of Cumberland

Representatives:

SNOWE-MELLO of Poland  
GERZOFISKY of Brunswick

**READ.**

On motion of Representative BUNKER of Kossuth Township, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 10, 2003.

---

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

---

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Resolve, Directing the Department of Transportation to Perform a Regional Corridor Traffic Study

(H.P. 255) (L.D. 312)

Signed:

Senator:

SAVAGE of Knox

Representatives:

USHER of Westbrook  
MARLEY of Portland  
PARADIS of Frenchville  
MARRACHÉ of Waterville  
SAMPSON of Auburn  
McKENNEY of Cumberland  
COLLINS of Wells  
McNEIL of Rockland  
JODREY of Bethel  
BROWNE of Vassalboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-91)** on same Resolve.

Signed:

Senators:

HATCH of Somerset  
DAMON of Hancock

**READ.**

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-92)** on Bill "An Act to Ban Strikebreakers"

(H.P. 79) (L.D. 71)

Signed:

Senators:

EDMONDS of Cumberland  
STANLEY of Penobscot

Representatives:

SMITH of Van Buren  
HUTTON of Bowdoinham  
HATCH of Skowhegan  
PATRICK of Rumford  
JACKSON of Fort Kent  
WATSON of Bath

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

TREADWELL of Carmel  
CRESSEY of Baldwin  
HEIDRICH of Oxford  
NUTTING of Oakland

**READ.**

Representative SMITH of Van Buren moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

---

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-93)** on Bill "An Act To Amend the Laws Governing Wage and Benefit Records Kept by Contractors Working on Public Works Projects"

(H.P. 281) (L.D. 361)

Signed:

Senators:

EDMONDS of Cumberland  
STANLEY of Penobscot

Representatives:

SMITH of Van Buren  
HUTTON of Bowdoinham  
HATCH of Skowhegan  
PATRICK of Rumford  
JACKSON of Fort Kent  
WATSON of Bath

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

CRESSEY of Baldwin  
HEIDRICH of Oxford  
NUTTING of Oakland  
TREADWELL of Carmel

**READ.**

Representative SMITH of Van Buren moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.



---

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-96)** on Bill "An Act To Protect Maine Families When Workplace Fatalities Occur"

(H.P. 368) (L.D. 476)

Signed:

Senators:

EDMONDS of Cumberland  
STANLEY of Penobscot

Representatives:

SMITH of Van Buren  
HUTTON of Bowdoinham  
HATCH of Skowhegan  
PATRICK of Rumford  
JACKSON of Fort Kent  
WATSON of Bath

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

TREADWELL of Carmel  
CRESSEY of Baldwin  
HEIDRICH of Oxford  
NUTTING of Oakland

**READ.**

Representative SMITH of Van Buren moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

---

### CONSENT CALENDAR

#### First Day

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

(S.P. 99) (L.D. 265) Bill "An Act To Promote Affordable Telephone Service for Business and Residential Customers in Rural Maine" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-21)**

(H.P. 950) (L.D. 1296) Bill "An Act To Amend the Maine State Grant Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

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 items appeared on the Consent Calendar for the Second Day:

(S.P. 191) (L.D. 551) Bill "An Act To Suspend Property Tax Abatement Appeals When the Taxpayer Fails To Pay Taxes" (EMERGENCY)

(H.P. 346) (L.D. 454) Bill "An Act To Clarify Campaign Finance Penalty Provisions"

(H.P. 230) (L.D. 287) Bill "An Act To Amend the Home Construction Contracts Laws" (C. "A" H-88)

(H.P. 461) (L.D. 631) Bill "An Act Concerning the Status of the Maine County Commissioners' Association and the Maine Sheriffs' Association as County Advisory Organizations" (C. "A" H-95)

(H.P. 615) (L.D. 838) Bill "An Act Regarding Bail and Fines" (C. "A" H-90)

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** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

---

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

---

### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine (EMERGENCY)

(S.P. 446) (L.D. 1358)

**TABLED** - March 19, 2003 (Till Later Today) by Representative DUNLAP of Old Town.

**PENDING - FINAL PASSAGE.**

On motion of Representative DUNLAP of Old Town, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED.**

The same Representative **PRESENTED House Amendment "A" (H-97)** which was **READ** by the Clerk.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I think this is sort of a technical amendment to this legislation. This is a piece of legislation that this body has acted upon twice previously. We had moved it sort of on a fast track. This is to finish the work of the special commission that was set up, I believe in the 118th Legislature, which was a commission to study the needs and opportunities associated with the production salmonid sport fish in Maine. They have completed their work. They have issued a report. In the last election a \$7 million environmental bond was passed to upgrade the pollution control facilities of our fish hatcheries. It was felt that is would be appropriate for this commission to give some guidance on how to best allocate those bond revenues. This amendment simply specifies that the commission will finish its work. It will not need to issue a further report. It still has a little bit of money left over so there will be virtually no fiscal note on this. If there are any questions about this, I would be happy to answer them from the body. Basically, Mr. Speaker, this is an honest amendment from an honest man. Thank you very much.

Subsequently, **House Amendment "A" (H-97)** was **ADOPTED.**

The Resolve was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-97)** in **NON-CONCURRENCE** and sent for concurrence.

---

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-32)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Provide Parity in Lending by State-chartered Lenders"

(H.P. 234) (L.D. 291)

TABLED - March 27, 2003 (Till Later Today) by Representative DUDLEY of Portland.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Committee Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-32)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 10, 2003.

---

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

**SENATE PAPERS**

Bill "An Act To Amend the Maine Banking Laws"

(S.P. 512) (L.D. 1534)

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

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

---

Bill "An Act To Authorize Certain Former Members of the Maine State Retirement System To Rejoin the Maine State Retirement System" (EMERGENCY)

(S.P. 514) (L.D. 1535)

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

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

---

Bill "An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games"

(S.P. 515) (L.D. 1536)

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

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

---

The following Joint Resolution: (S.P. 513)

**JOINT RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF THE MAINE BANKERS ASSOCIATION AND THE MAINE ASSOCIATION OF COMMUNITY BANKS**

WHEREAS, the members and predecessors of the Maine Bankers Association and the Maine Association of Community Banks have been serving the needs of the people of Maine for over 180 years; and

WHEREAS, in just this past year alone, the 14,000 employees of the Maine Bankers Association and the Maine Association of Community Banks have volunteered more than 400,000 hours, enhancing the lives of Maine adults and children throughout the State; and

WHEREAS, the associations' members have supported these volunteer activities and other community and statewide organizations with corporate contributions in excess of \$6,000,000; and

WHEREAS, the associations are active supporters of the America's Promise campaign for youth and provide to Maine youth the 5 fundamental resources of the America's Promise program: an ongoing relationship with a caring adult mentor, tutor

or coach; safe places and structured activities during non-school hours; a healthy start; a marketable skill through effective education; and an opportunity to give back through community service; and

WHEREAS, the commitment to volunteerism of the banking industry's 14,000 employees is represented here today by this year's 2003 America's Promise Volunteers:

Gary Stone, Camden National Bank; Greg Dalton, Bar Harbor Bankshares; Katherine Barter, Bath Savings Institution; Francine Anton, Biddeford Savings Bank; Barbara Boone, Damariscotta Bank and Trust; Tony McKim, First National Bank of Bar Harbor; William Lucy, Merrill Bank; Timothy Thompson, Franklin Savings Bank; Emily Hosford, Katahdin Trust Company; Laura Hudson, Kennebec Savings Bank; Susan Morgan, Kennebunk Savings Bank; Terry Trickey, Key Bank, N.A.; Susan Hart, Machias Savings Bank; Michele Gasco, Maine Bank and Trust; Randy Chambers, MBNA; Amy Rollins, First National Bank of Damariscotta; Lynn Hamper, Northeast Bank, FSB; Ellen McClure, Ocean National Bank; Karen Hart, Skowhegan Savings Bank; Jackie Roberts, Sanford Institution for Savings; Phyllis Harmon, Union Trust Company; Valarie Coolong, United Kingfield Bank; and Patricia Stebbins-Kahl and Roxanne Salatino, Fleet Bank, N.A.; and

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks have also committed financial resources and their people to improving the financial literacy of Maine's adults and youth through school and community financial education programs; and

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks are among the first Maine industry groups to formally sign a "Statement of Support for the National Guard and the Reserve"; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature, now assembled in the First Regular Session, take this occasion to recognize the Maine Bankers Association and the Maine Association of Community Banks for their commitment and contributions to their communities and in strengthening Maine's long tradition of service to others; and to recognize this industry's support for the Maine men and women of the National Guard and Reserve and the contributions that these citizens of our State are making in support of freedom and liberty; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Bankers Association and the Maine Association of Community Banks and the 2003 America's Promise Volunteers.

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

**READ** and **ADOPTED** in concurrence.

---

**CONSENT CALENDAR**

**First Day**

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

(S.P. 458) (L.D. 1388) Bill "An Act To Expand the Mission of the Marine Patrol" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-28)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence. **ORDERED SENT FORTHWITH.**

---

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

---

On motion of Representative WATSON of Bath, the House adjourned at 11:07 a.m., until 10:00 a.m., Thursday, April 10, 2003 in honor and lasting tribute to Diane "Di" Francis, of Bath.