

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
38th Legislative Day
Tuesday, April 15, 2003

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

Prayer by Reverend Mark K. Tanner, Skowhegan Federated Church.

National Anthem by Elizabeth Masalsky, Massabesic High School, North Waterboro.

Pledge of Allegiance.

Doctor of the day, Ray Nichols, M.D., Jonesport.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 526)

ORDERED, the House concurring, that the Joint Standing Committee on Legal and Veterans Affairs report out, to the Senate, legislation to permit the consolidation of voting districts for special elections for bond issues in 2003.

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

READ and **PASSED** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 150)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 8, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 714 An Act To Establish the Allagash Waterway Advisory Council
- L.D. 723 An Act To Require an Annual Report for the Allagash Wilderness Waterway
- L.D. 1055 An Act To Promote Enforcement Training for Bureau of Parks and Lands Staff
- L.D. 1056 Resolve, To Ensure Orderly Planning for the Allagash Wilderness Waterway
- L.D. 1106 An Act To Require Wilderness Management Training for the Manager of the Allagash Wilderness Waterway

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. Linda Rogers McKee

House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 151)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC
DEVELOPMENT**

April 8, 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 Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 946 Resolve, To Establish the Commission To Promote Jobs and Economic Development through Ecotourism
- L.D. 1086 An Act To Require a 30-Day Deferment Period To Pay Bills
- L.D. 1092 An Act To Amend the Laws Pertaining to Denturists
- L.D. 1278 An Act To Amend the Maine Health Security Act as It Relates to the Reporting of Registered Nurses by Health Care Providers

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

Sincerely,

S/Sen. Lynn Bromley

Senate Chair

S/Rep. Nancy B. Sullivan

House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 152)

STATE OF MAINE

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

April 8, 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 bills out "Ought Not to Pass":

- L.D. 434 An Act To Amend the Patient's Bill of Rights Laws
- L.D. 473 An Act To Limit the Interest Rate on Consumer Credit Transactions
- L.D. 566 An Act To Ensure Equality in Mental Health Coverage
- L.D. 630 An Act To Prohibit Mandatory Arbitration in Health Carrier Contracts
- L.D. 712 An Act To Extend Participation in the State's Group Health Plan
- L.D. 857 An Act To Provide Maine Consumers Information about the Cost and Quality of Health Care Services in Maine

- L.D. 873 An Act To Provide Better Access to Information Related to Health Care Reimbursement Rates
- L.D. 936 An Act To Require Insurance Policies To Provide Coverage for Medically Necessary Rehabilitation Services
- L.D. 1168 An Act To Establish a Cap on Credit Card Rates and To Require Notice of a Change in Credit Card Rates

We have also notified the sponsors and cosponsors of each bill listed 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. 153)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 8, 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 State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 283 An Act To Clarify the Law on County Capital Expenditure Accounts
- L.D. 774 An Act To Require the Washington County Legislative Delegation to Review the Final Washington County Budget Estimates
- L.D. 1140 An Act To Provide for the Appointment of County Treasurers, Registers of Deeds and District Attorneys
- L.D. 1289 An Act Concerning County Treasurers
- L.D. 1327 Resolve, To Establish a Commission To Determine Why Young People Are Leaving Maine

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

Sincerely,
S/Sen. Margaret Rotundo
Senate Chair
S/Rep. Janet L. McLaughlin
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 154)

STATE OF MAINE

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

April 3, 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. 88 An Act to Require that Pharmacy Benefit Plan Bids be Solicited from Nonprofit Pharmacy Benefit Managers
- L.D. 112 An Act Requiring Public Disclosure of Prices Charged by Health Care Providers
- L.D. 132 An Act Requiring Disclosure of Prescription Drug Advertising and Promotional Expenses
- L.D. 727 An Act To Protect Children by Allowing Child Care Facilities To Fingerprint Employees
- L.D. 849 An Act To Ensure Fairness in Maine's Prescription Drug Laws
- L.D. 982 An Act To Increase the Legal Age for the Purchase of Tobacco Products

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. 155)

STATE OF MAINE

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

April 14, 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. 22 An Act to Expand the Sales Tax
- L.D. 514 An Act To Increase the Personal Income Tax Exemption
- L.D. 781 An Act To Repeal the Reimbursement of Personal Property Tax on Business Machines and Equipment
- L.D. 783 An Act To Make the Business Equipment Tax Reimbursement Program a Local Option
- L.D. 868 An Act To Immediately Eliminate the Marriage Penalty under the Income Tax Laws
- L.D. 874 An Act To Connect the BETR Program with Job Retention
- L.D. 983 An Act To Phase Out the Tax on Business Equipment
- L.D. 1094 An Act To Replace the Sales Tax with a Gross Receipts Tax
- L.D. 1145 An Act To Create the Maine Community Preservation Fund

- L.D. 1169 An Act To Phase Out the Business Equipment Tax Reimbursement
- L.D. 1204 An Act To Provide for Fairer Income Taxation
- L.D. 1207 An Act To Amend the Sales and Use Tax Law Regarding the Food Service and Lodging Industries
- L.D. 1270 An Act To Increase the Viability of the Dairy Farming Industry
- L.D. 1337 An Act To Stabilize the Maine Dairy Industry, Protect Consumers against Price Gouging on Milk and Eliminate the BETR/TIF Double Dip

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. 156)

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

April 14, 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. 387 An Act To Exempt Biodiesel Fuel from the Special Fuel Tax
- L.D. 662 An Act To Increase the Payment for State Police Services on the Maine Turnpike
- L.D. 691 An Act To Amend the Distribution of the General Highway Fund
- L.D. 766 An Act to Improve Highway Signs for Recreational Facilities in Saco
- L.D. 785 An Act To Provide that Gas Purchased for Use in a Generator Be Taxed for Commercial Use
- L.D. 1221 An Act To Prohibit Skateboarding on State Highways BY REQUEST
- L.D. 1475 An Act To Amend the Laws Governing School Bus Headlights
- L.D. 1499 An Act To Require the Department of Transportation to Resume Maintenance of Clark's Cove Road

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. 157)

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

April 14, 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. 627 An Act To Provide Funding for a Superior Court Building in Washington County
- L.D. 650 An Act To Improve Technology Funding

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. 158)

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

April 14, 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. 762 An Act To Require a Juvenile to Pay Restitution after Attaining 18 Years of Age
- L.D. 1237 An Act To Promote Justice for Those Not Guilty of Crimes Due to Mental Disease or Defect

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. 159)

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

April 14, 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 Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 457 An Act To Supplement Benefits for State Employees and Teachers Whose Pensions Are Subject to Reductions Enacted in 1993
- L.D. 528 An Act To Increase the Number of Members of the Board of Trustees of the Maine State Retirement System
- L.D. 823 An Act To Distribute Costs for the Funding of Pensions and Health Insurance for Retired Teachers
- L.D. 990 An Act To Provide an Alternative Method of Payment under the Maine State Retirement System
- L.D. 1038 Resolve, Directing the Maine State Retirement System To Study the Windfall Elimination Provision of the Social Security Program
- L.D. 1315 An Act To Change the Retirement Eligibility Qualifications for Certain Military Firefighters and Police Officers

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

Sincerely,

S/Sen. Betheda G. Edmonds

Senate Chair

S/Rep. William J. Smith

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 160)

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

April 14, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1446 Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Ludlow, Maine

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

Sincerely,
S/Sen. Margaret Rotundo

Senate Chair

S/Rep. Janet L. McLaughlin

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 533)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

April 11, 2003

Sen. Lynn Bromley

Senate Chair, Joint Standing Committee on

Business, Research and Economic Development

Rep. Nancy B. Sullivan

House Chair, Joint Standing Committee on

Business, Research and Economic Development

121st Legislature

Augusta, ME 04333

Dear Senator Bromley and Representative Sullivan:

Please be advised that Governor John E. Baldacci has nominated Elmer Harmon of Dennyville for appointment to the Washington County Development Authority.

Pursuant to Title 5, M.R.S.A. §13080, this nomination will require review by the Joint Standing Committee on Business, Research and Economic Development 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 **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT.**

READ and REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.P. 534)

**STATE OF MAINE
121ST MAINE LEGISLATURE**

April 11, 2003

Sen. Kenneth T. Gagnon

Senate Chair, Joint Standing Committee on Legal and Veterans Affairs

Rep. Joseph E. Clark

House Chair, Joint Standing Committee on Legal and Veterans Affairs

121st Legislature

Augusta, ME 04333

Dear Senator Gagnon and Representative Clark:

Please be advised that Governor John E. Baldacci has nominated Linda Valentino of Saco and Peter Danton of Saco for appointment to the State Liquor and Lottery Commission.

Pursuant to Title 5, M.R.S.A. §283-A, these nominations will require review by the Joint Standing Committee on Legal and Veterans Affairs 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 **LEGAL AND VETERANS AFFAIRS**.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Waterville Senior High School Science Olympiad Team, on its 8th consecutive victory in the State Olympiad. Each of the 16 team members won at least one medal and the team won medals in 19 of the 23 events. The school's long-running dominance of the Olympiad Championship has created a culture of success at the school; they will compete next in the national Olympiad in May at Ohio State University. We send our congratulations to the members of the team on their victory and extend our best wishes for their continued success at the national level;

(HLS 434)

Presented by Representative MARRACHÉ of Waterville. Cosponsored by Senator GAGNON of Kennebec, Representative CANAVAN of Waterville, Representative FINCH of Fairfield, Representative BROWNE of Vassalboro.

On **OBJECTION** of Representative MARRACHÉ of Waterville, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Marraché.

Representative **MARRACHÉ**: Mr. Speaker, Ladies and Gentlemen of the House. Today is a very special day for Waterville. First we had Senator Mitchell and now we have special students from my city who I personally want to congratulate. The Waterville Science Team who have now won their eighth straight victory for the state Olympiad. Their last one was when they won by 12 points over Mt. Ararat and now they will be going to the national Olympiad. As was stated earlier, the team won medals in 19 of the 23 events that the Olympiad had. Each one of the 16-team members won at least one medal. The competition includes written tests and complex engineering events in areas of physics, cell biology and remote sensing. They will now be able to raise funds to go to the national Olympiad May 10th to be held at Ohio State University. The students are headed by Rose Smith, teacher and Martha Cobb. The seniors are Chanterelle Butter, Joe Spofford, Jesse Remillard and Thatcher Newkirk. The juniors are Brian L'Heureux, Erik Bellandi, Jon Janelle, Sean Anderson, Colin Donihue, Kristen Huber, Fei Tan, Jake Nawfel. The sophomores are Max Cohen, Alicia Morgan, David O'Heir and Brian Flood. I wish them good luck and victory in the nationals. Thank you.

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

Recognizing:

the following members of the Monmouth Middle School Cheering Team: Kristin Freeman, Kerstin Grenier, Khayla Edwards, Shannon Fields, Samantha Stufflebeam, Chelsea Webber-Wing, Jill Armstrong, Breanna Berube, Miranda Holbrook, Samantha Kaplan, Brittany Hilton, Cortney Barrett, Lacey Audet, Katie McAlister, Emily Vachon, Lindsay Scirica, Brittany Scirica, Danielle West, Katea Sebesta and Stephanie Gordon and Head Coaches Pearl Edwards and Colette Robbins

and Assistant Coaches DeEtte Martin and Angela Berube, on winning the Class B State Championship. We extend our congratulations and best wishes;

(HLS 454)

Presented by Representative SMITH of Monmouth. Cosponsored by Senator TREAT of Kennebec.

On **OBJECTION** of Representative SMITH of Monmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning in recognition of the fine work done by these young women and their coaches. They are indeed the new state champions for the State Class B Middle School Cheering after only four weeks practice prior to the state finals. Today all team members are acting as pages in the House and in the Senate. I thank them for coming today to participate in our state legislative process.

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

Recognizing:

the following members of the Mt. Blue High School Boys Ski Team, of Farmington, who won the 2003 Class A State Championship: Greg Allen, Tom Aseltine, Eben Bouchard, Buzzy Cyr, Matt Dunlap, Nelson Emerson, Chet Farnum, Luke Ferreira, Nick Gray, Tommy Gopsill, Jake Hanstein, Wes Hines, Tyler Judkins, Alex Martin, Ian McPherran, Hunter Meyer, John Milster, Heman Norris, Ben Prentiss, Ben Saviello, Jordan Stevens and John Tompkins. The coaches of the team are Rick Hardy, Mark Cyr and Jeff Merserve. This is the team's 4th consecutive championship and its 5th championship in 7 years. We extend our congratulations and best wishes on their achievements;

(HLS 455)

Presented by Representative SAVIELLO of Wilton. Cosponsored by Representative MILLS of Farmington, Representative PINEAU of Jay, Senator WOODCOCK of Franklin, Representative MCGLOCKLIN of Embden, Representative JODREY of Bethel.

On **OBJECTION** of Representative SAVIELLO of Wilton, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **SAVIELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I am proud to rise and speak of this team. This group of young men won the Kennebec Valley Conference Ski Championship this year. This is followed by a State Championship where the Cougars won all four events, both Alpine and Nordic. This is their fourth consecutive state title and their fifth in seven years. Mt. Blue's Wes Hines was the individual freestyle cross-country state champion. Six of the alpine skiers qualified to go to the Maine State Selection Race held at Black Mountain in Rumford and from there two of them went on to the eastern high school national championships. I suspect that we will see them back again next year because they lose only one senior at graduation.

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

Recognizing:

Tyler Judkins, of Farmington, who was named Skier of the Year by the Waterville Morning Sentinel. Tyler is a senior at Mt. Blue High School. We extend our congratulations and best wishes to Tyler on this achievement;

(HLS 456)

Presented by Representative SAVIELLO of Wilton.
Cosponsored by Representative MILLS of Farmington, Senator WOODCOCK of Franklin, Representative PINEAU of Jay, Representative JODREY of Bethel, Representative McGLOCKLIN of Embden.

On **OBJECTION** of Representative SAVIELLO of Wilton, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **SAVIELLO**: Mr. Speaker, Ladies and Gentlemen of the House. This year Central Maine Male Skier of the Year was Mt. Blue Senior Captain, Tyler Judkins. He is better known to me as Wendell. Tyler has had an outstanding season. During the regular season he had three first place finishes and many others in the top five. Two major achievements for Tyler were first place in the giant slalom and a second place finish in the slalom in the KVAC championships. Tyler had a fifth place finish in the giant slalom in the Class A state meet at Sunday River. He finished his high school skiing career by qualifying for the Maine State Team where he competed in the Eastern High School Championships held at Mt. Cranmore in New Hampshire.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-113)** on Bill "An Act to Extend the Authority of the Health Care System and Health Security Board" (EMERGENCY)

(H.P. 27) (L.D. 20)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
MAYO of Sagadahoc

Representatives:

PERRY of Bangor
BREAULT of Buxton
CANAVAN of Waterville
WOODBURY of Yarmouth
O'NEIL of Saco
PERRY of Calais
YOUNG of Limestone

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

Signed:

Representatives:

GLYNN of South Portland
SNOWE-MELLO of Poland
VAUGHAN of Durham

READ.

Representative O'NEIL of Saco 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. 365) (L.D. 1093) Bill "An Act to Conform State Workforce Development Laws to the Federal Workforce Investment Act of 1998" Committee on **LABOR** reporting **Ought to Pass**

(S.P. 386) (L.D. 1182) Bill "An Act To Change the Definition of Family or Household Members for Purposes of Criminal Statutes" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(S.P. 75) (L.D. 152) Bill "An Act to Require Signs on Interstate 95 for Chamberlain Freedom Park" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-36)**

(S.P. 213) (L.D. 604) Bill "An Act To Allow the Maine Turnpike Authority To Benefit from Advantageous Interest Rates" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-34)**

(S.P. 267) (L.D. 788) Bill "An Act To Enhance Vistas" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-35)**

(S.P. 309) (L.D. 968) Bill "An Act To Protect the Future of the U.S. Naval Air Station at Brunswick" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-37)**

(S.P. 317) (L.D. 976) Bill "An Act To Ensure Effective Prosecution of Certain Repeat Offenders" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-33)**

(H.P. 1055) (L.D. 1443) Bill "An Act To Clarify the Duties Relating to County Taxes and Remove Obsolete References to the Secretary of State" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 19) (L.D. 12) Bill "An Act to Enhance School Zone Safety" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-119)**

(H.P. 259) (L.D. 316) Bill "An Act to Prohibit Absolute Discretion Clauses in Health Carrier and Excess Loss Carrier Contracts" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-118)**

(H.P. 331) (L.D. 423) Bill "An Act To Improve the Process of Credentialing Health Care Providers" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-116)**

(H.P. 419) (L.D. 556) Bill "An Act To Establish New Standards for Credit Reporting" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-117)**

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

(S.P. 274) (L.D. 795) Resolve, To Declare Maine Aviation Education Week (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-31)**

On motion of Representative DUNLAP of Old Town, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-31)** was **READ** by the Clerk.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. Reading the Committee Amendment, it seems that it is converting a Resolve to an Act and I would request a ruling from the Chair as to the propriety of this matter before the body.

The same Representative asked the Chair to **RULE** if **Committee Amendment "A" (S-31)** was properly before the body.

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

CONSENT CALENDAR
Second Day

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

(S.P. 201) (L.D. 592) Bill "An Act Regarding Age Eligibility for Enrollment in a Public Secondary School" (EMERGENCY)

(S.P. 474) (L.D. 1437) Bill "An Act To Amend Marine Resources Special License Requirements for Educational Programs"

(H.P. 886) (L.D. 1212) Bill "An Act To Create the Bayside Utilities District"

(H.P. 14) (L.D. 7) Bill "An Act to Address Funding of the North Jay Water District" (EMERGENCY) (C. "A" H-111)

(H.P. 77) (L.D. 69) Bill "An Act To Clarify the Intent of School Budget Referendum Language" (C. "A" H-115)

(H.P. 317) (L.D. 409) Bill "An Act To Allow a Former Spouse or Domestic Partner To Cancel a Life Insurance Policy in That Person's Name" (C. "A" H-112)

(H.P. 603) (L.D. 826) Resolve, To Allow Certain State Employees To Be Voting Board Members of Project SHARE (C. "A" H-114)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **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**.

BILLS IN THE SECOND READING
House as Amended

Bill "An Act to Amend the Liquor Law as it Pertains to Special Taste-testing Festival Licenses"

(H.P. 62) (L.D. 54)
(C. "A" H-98)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE**

ENGROSSED AS AMENDED and sent for concurrence.
ORDERED SENT FORTHWITH.

ENACTORS

Emergency Measure

An Act To Promote Affordable Telephone Service for Business and Residential Customers in Rural Maine

(S.P. 99) (L.D. 265)
(C. "A" S-21)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative BLISS of South Portland, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Emergency Measure

An Act To Establish the Commercial Fishing Safety Council

(S.P. 478) (L.D. 1440)
(C. "A" S-32)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Emergency Measure

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

(S.P. 446) (L.D. 1358)
(H. "A" H-97)

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. 121 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Acts

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

(H.P. 76) (L.D. 68)
(C. "A" H-83)

An Act To Allow a Municipality To Dispose of Unclaimed Bicycles by Means in Addition to Public Auction

(H.P. 127) (L.D. 168)
(C. "A" H-80)

An Act To Increase the Value of Real and Personal Property Exempt from Attachment

(H.P. 202) (L.D. 247)
(C. "A" H-81)

An Act To Require Review of Utility Rates Prior to Approval of Alternative Rate Plans

(H.P. 291) (L.D. 371)
(C. "A" H-85)

An Act To Provide Expedited Access to Testing for an Individual Exposed to Body Fluids in the Course of Employment

(H.P. 404) (L.D. 519)
(C. "A" H-79)

An Act To Repeal the Forest Products Antitrust Exemption
(H.P. 487) (L.D. 657)

An Act To Expand the Powers and Authority of Case Management Officers in the Family Division
(H.P. 547) (L.D. 741)
(C. "A" H-82)

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.

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

An Act To Improve the Coyote Control Program
(H.P. 192) (L.D. 237)
(C. "A" H-75)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative McKEE of Wayne, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I will be brief. This is the new title of the bill. The bill original title was An Act to Prohibit Coyote Snaring and the Eliminate the Coyote Snaring Program. Some people came up to me after the last vote and said they were confused having walked into the chamber and seen the title. If you vote for this, you vote to continue the program as it is. We have already debated that. If you are opposed to coyote snaring, please join me in stopping this bill at enactment. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 33

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

NAY - Adams, Ash, Austin, Barstow, Bowen, Brown R, Bull, Canavan, Cowger, Craven, Cummings, Dudley, Eder, Faircloth, Grose, Ketterer, Koffman, Laverriere-Boucher, Lerman, Marley, Marraché, McCormick, McKee, McLaughlin, Norbert, Norton, Paradis, Peavey-Haskell, Pineau, Pingree, Piotti, Rector, Saviello, Smith N, Smith W, Sullivan, Suslovic, Thompson, Twomey, Walcott, Woodbury.

ABSENT - Breault, Bryant-Deschenes, Bunker, Dugay, Duprey G, Gagne-Friel, Gerzofsky, Goodwin, Heidrich, Ledwin,

Makas, O'Brien L, Richardson E, Sampson, Simpson, Snowe-Mello, Vaughan.

Yes, 93; No, 41; Absent, 17; Excused, 0.

93 having voted in the affirmative and 41 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

An Act To Establish the Commercial Fishing Safety Council
(S.P. 478) (L.D. 1440)
(C. "A" S-32)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **PASSAGE TO BE ENACTED**.

On motion of Representative TWOMEY of Biddeford, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

The same Representative **PRESENTED House Amendment "A" (H-126)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. This is a technical amendment being offered on behalf of the Committee on Engrossed Bills. Thank you.

Subsequently, **House Amendment "A" (H-126)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-32)** and **House Amendment "A" (H-126)** in **NON-CONCURRENCE** and sent for concurrence.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

CONSENT CALENDAR

First Day

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

(S.P. 535) (L.D. 1575) Bill "An Act To Assist Brascan, the Successor to Great Northern Paper, in Paying the Property Taxes Due to the Towns of Millinocket and East Millinocket" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-44)**

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**.

ENACTORS
Emergency Measure

An Act To Assist Brascan, the Successor to Great Northern Paper, in Paying the Property Taxes Due to the Towns of Millinocket and East Millinocket

(S.P. 535) (L.D. 1575)
(C. "A" S-44)

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I would be remiss if I didn't get up and speak this afternoon on this emergency legislation. What this does is it helps Brascan, which is going to be the new owner, knock on wood, of Great Northern Paper in Millinocket and East Millinocket. What it does is it helps have a loan with FAME for \$1.5 million to help pay the taxes in East Millinocket. Brascan has agreed willingly to pay the taxes in Millinocket for about \$4.4 million. With the \$1.5 from the BETR Program, that was reimbursed from Great Northern Paper and also with tax credits that are coming forth, Brascan will be able to pay the taxes for the Town of East Millinocket, which is about \$3.4 million. That is basically all this bill does.

I would like to thank everybody that has been very instrumental in the passing of this piece of legislation. More importantly, for the people that have donated to our areas over the last four or five months with their continuing support of dollars for food pantries, fuel oil, and electric bills and now the pressure is on us to belly up and provide some of these funds for our brothers and sisters in Old Town. As of today, we are going to do that. The unions are going to set forth and are going to step forth

and give some money to the people in Old Town. I would be remiss if I didn't get up today and speak on this bill. It means a lot to myself and also to my constituents back home. There are 1,130 people that were shut out of work back in December. Only about half of those will be back to work at full strength a year from now. I would like to say thank you again for everybody that has been involved with this, the Taxation Committee, the leadership, although I was notified late of the public hearing yesterday, you would think that the Representative from Millinocket would be notified when a public hearing was to help his town, but, of course, everybody knows the legislative process around here. Again, I just want to say thank you. I wish that everybody votes green with me. Thank you.

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 Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Makas who wishes to address the House on the record.

Representative **MAKAS**: Mr. Speaker, In reference to Roll Call 33 on LD 237, if I had been present, I would have voted nay.

On motion of Representative MOODY of Manchester, the House adjourned at 4:28 p.m., until 10:00 a.m., Wednesday, April 16, 2003.