

# 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  
47th Legislative Day  
Thursday, May 8, 2003

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

Prayer by Reverend Vernon Jordan, First Baptist Church, St. George (retired).

National Anthem by Candace Kavanaugh, Presque Isle High School.

Pledge of Allegiance.

Doctor of the day, Jo Linder, M.D., Falmouth.

The Journal of yesterday was read and approved.

---

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Clarify Arrest Powers of Law Enforcement Officers"

(H.P. 361) (L.D. 469)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123)** in the House on April 28, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123) AS AMENDED BY SENATE AMENDMENT "A" (S-111)** thereto in **NON-CONCURRENCE**.

On motion of Representative DUNLAP of Old Town, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

---

**Non-Concurrent Matter**

Bill "An Act To Amend the Laws Governing Penalties for Writing Bad Checks"

(H.P. 321) (L.D. 413)

Minority (3) **OUGHT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on May 5, 2003.

Came from the Senate with the Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

---

**Non-Concurrent Matter**

Bill "An Act To Allow Volunteer Social Work To Count towards Licensure"

(H.P. 849) (L.D. 1146)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182)** in the House on April 29, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182) AS AMENDED BY SENATE AMENDMENT "A" (S-109)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

---

**Non-Concurrent Matter**

Bill "An Act To Increase the Compensation of Jurors"

(H.P. 344) (L.D. 452)

**FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142)** in the House on May 1, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142)** in **NON-CONCURRENCE**.

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

**ROLL CALL NO. 76**

**YEA** - Adams, Barstow, Blanchette, Bliss, Brannigan, Bunker, Canavan, Clark, Cowger, Craven, Dunlap, Duplessie, Duprey B, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Goodwin, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Koffman, Landry, Lemoine, Lessard, Makas, Marley, McLaughlin, Norbert, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Richardson J, Sampson, Saviello, Smith N, Smith W, Suslovic, Thompson, Twomey, Usher, Walcott, Watson, Wheeler, Wotton, Mr. Speaker.

**NAY** - Andrews, Annis, Ash, Austin, Berry, Berube, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Duprey G, Fletcher, Greeley, Heidrich, Honey, Hotham, Jacobsen, Jodrey, Joy, Kaelin, Ledwin, Lewin, Maietta, McCormick, McGowan, McKenney, McNeil, Millett, Moody, Moore, Murphy, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Sherman, Snowe-Mello, Stone, Sukeforth, Sullivan, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Young.

**ABSENT** - Bennett, Bierman, Breault, Cummings, Dudley, Dugay, Gerzofsky, Glynn, Ketterer, Laverriere-Boucher, Leman, Lundeen, Mailhot, Marraché, McGlocklin, McKee, Mills J, Mills S, Muse, Norton, Perry J, Rines, Shields, Simpson, Tardy, Thomas, Woodbury.

Yes, 58; No, 66; Absent, 27; Excused, 0.

58 having voted in the affirmative and 66 voted in the negative, with 27 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently the House voted to **ADHERE**.

---

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

---

**COMMUNICATIONS**

The Following Communication: (H.C. 192)

**STATE OF MAINE**

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

May 6, 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. 870 An Act To Create Fairness in Funding the Wild Blueberry Association of North America

L.D. 1215 An Act To Amend the Animal Welfare Laws and Improve Funding

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. 193)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**COMMITTEE ON APPROPRIATIONS AND FINANCIAL**

**AFFAIRS**

May 6, 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. 438 An Act to Enhance Services for the Blind

L.D. 503 An Act To Stimulate Economic Recovery and Growth

L.D. 509 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide That the State Fund 100 Percent of Education for Students from Kindergarten to Postsecondary School

L.D. 734 Resolve, To Address the Maine Nursing Workforce Shortage through the Expansion of Nursing Education

L.D. 1002 Resolve, To Provide Emergency Relief for the Schools in East Millinocket

L.D. 1442 An Act To Provide Administrative Support to the Treasurer of State's Cash Pool

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. 194)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 6, 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. 432 An Act To Amend the Maine Health Data Organization Laws

L.D. 1073 An Act To Extend the Duties of the Children's Ombudsman

L.D. 1256 An Act To Prohibit Unethical Drug Marketing Practices

L.D. 1260 An Act To Improve MaineCare Cost-of-care Procedures Affecting Nursing Facility Residents and to Establish Clearer Duties for Powers of Attorney

L.D. 1516 An Act To Prevent Certain Deliveries 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. 195)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 6, 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. 486 An Act To Protect Communities Affected by Casino Gambling Operations

L.D. 513 An Act To Legalize Gambling if Casinos Are Allowed in the State

L.D. 877 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Resolution of Disputed Elections by the Supreme Judicial Court

L.D. 929 An Act To Specify the Size and Typeface of Disclaimers on Political Literature Not Authorized by a Candidate

L.D. 1144 An Act To Clarify the Maine Clean Election Act

L.D. 1162 An Act To Prohibit the Use of Clean Election Funding for Candidates Who Lose in Primaries

L.D. 1272 An Act To Specify the Political Party of Contributors of Qualifying Contributions and To Require a Candidate Funded under the Maine Clean Election Act To Receive a Certain Level of Support in Order To Receive Public Funding in the Future

- L.D. 1348 An Act To Require Candidates Who Are Not  
Maine Clean Election Act Candidates To  
Report All Sources of Funding
- L.D. 1362 An Act Regarding Disclosures Required on  
Advertising by Candidates

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. 196)

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

May 6, 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. 1128 An Act To Amend the Town Line between  
Yarmouth and Cumberland
- L.D. 1216 An Act To Amend the Laws Regarding County  
Government

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. 197)

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

May 6, 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. 832 An Act Clarifying State Financial Responsibility  
over State and State Aid Highways
- L.D. 1392 An Act To Reform Highway Reconstruction  
Project Cost-sharing

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. 198)

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

May 6, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 546 An Act To Ensure Consideration of Accurate  
Long-term Customer Power Alternatives
- L.D. 811 An Act To Prevent the Gaming of Special Rate  
Contracts by Utilities
- L.D. 947 An Act To Create the Cable Television  
Franchise Board
- L.D. 1317 An Act To Strengthen Maine's "Do Not Call"  
List

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

Sincerely,  
S/Sen. Christopher Hall  
Senate Chair  
S/Rep. Lawrence Bliss  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (S.P. 561)

**STATE OF MAINE  
121ST MAINE LEGISLATURE**

May 6, 2003  
Sen. Neria R. Douglass  
Senate Chair, Joint Standing Committee on Education and  
Cultural Affairs  
Rep. Glenn A. Cummings  
House Chair, Joint Standing Committee on Education and  
Cultural Affairs  
121st Legislature  
Augusta, ME 04333

Dear Senator Douglass and Representative Cummings:  
Please be advised that Governor John E. Baldacci has nominated Samuel Spencer Gulliver of Blue Hill for appointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P&SL 1941, c. 37, this nomination will require review by the Joint Standing Committee on Education and Cultural 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 **EDUCATION AND CULTURAL AFFAIRS**.

**READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

---

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Resolve, To Implement a Process That Provides for Sunsetting Health Insurance Mandates

(S.P. 230) (L.D. 666)

Signed:

Senators:

LaFOUNTAIN of York

DOUGLASS of Androscoggin

MAYO of Sagadahoc

Representatives:

PERRY of Calais

BREAULT of Buxton

CANAVAN of Waterville

WOODBURY of Yarmouth

O'NEIL of Saco

YOUNG of Limestone

PERRY of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-89)** on same Resolve.

Signed:

Representatives:

VAUGHAN of Durham

GLYNN of South Portland

SNOWE-MELLO of Poland

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

**READ**.

On motion of Representative O'NEIL of Saco, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH**.

---

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act Regarding the Operation of Vending Services in Public Buildings"

(S.P. 417) (L.D. 1286)

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 to Pass as Amended by Committee Amendment "A" (S-92)** on same Bill.

Signed:

Senator:

BLAIS of Kennebec

Representatives:

CRESSEY of Baldwin

HEIDRICH of Oxford

NUTTING of Oakland

TREADWELL of Carmel

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

**READ**.

On motion of Representative SMITH of Van Buren, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH**.

---

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Amend the Laws Governing Push Polling"

(S.P. 44) (L.D. 121)

Signed:

Senator:

GAGNON of Kennebec

Representatives:

CLARK of Millinocket

PATRICK of Rumford

BLANCHETTE of Bangor

CANAVAN of Waterville

JENNINGS of Leeds

HOTHAM of Dixfield

MOORE of Standish

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-96)** on same Bill.

Signed:

Senators:

LEMONT of York

MAYO of Sagadahoc

Representatives:

GLYNN of South Portland

BROWN of South Berwick

LANDRY of Sanford

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

**READ**.

On motion of Representative CLARK of Millinocket, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **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. 328) (L.D. 987) Bill "An Act To Establish Consistent Requirements for High School Course Credits and Diploma Eligibility" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 519) (L.D. 1544) Bill "An Act To Revise the Standards for Reporting Public Sector Workplace Deaths and Serious Injuries" Committee on **LABOR** reporting **Ought to Pass**

(S.P. 162) (L.D. 443) Bill "An Act To List Agriculture as a Designated Use in Water Quality Standards" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-106)**

(S.P. 321) (L.D. 980) Bill "An Act To Amend the Laws Governing the Qualification of Candidates" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-108)**

(S.P. 491) (L.D. 1485) Bill "An Act To Update Water Quality Criteria" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-107)**

(H.P. 514) (L.D. 697) Bill "An Act To Require the Installation of Dental Amalgam Separator Systems in Dental Offices" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-274)**

(H.P. 762) (L.D. 1045) Bill "An Act To Require Major Substantive Rules To Govern the State Planning Office's Review of Municipal Comprehensive Plans and Growth Management Programs for Consistency" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-284)**

(H.P. 764) (L.D. 1047) Bill "An Act To Ensure Communication about Public Complaints against State Employees" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-279)**

(H.P. 777) (L.D. 1059) Bill "An Act Regarding Water Storage Reservoirs" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-283)**

(H.P. 900) (L.D. 1226) Bill "An Act To Clarify the Division of the Positions of Town Assessor and Selectman" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-280)**

(H.P. 904) (L.D. 1230) Bill "An Act To Provide Mandatory Minimum Penalties for Vandalizing a Street Sign or Traffic Control Sign" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-278)**

(H.P. 1040) (L.D. 1417) Bill "An Act To Make Changes to the Laws Governing Aquaculture Leasing" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-282)**

(H.P. 1103) (L.D. 1510) Bill "An Act To Improve Access to the Victims' Compensation Fund" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-277)**

(H.P. 1112) (L.D. 1519) Resolve, To Establish a Task Force on the Planning and Development of Marine Aquaculture in Maine (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-281)**

(H.P. 1123) (L.D. 1531) Bill "An Act To Amend Provisions of the Submerged Lands Law" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-275)**

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. 291) (L.D. 896) Resolve, To Establish a System for Electronic Filing of Death Certificates (C. "A" S-104)

(S.P. 314) (L.D. 973) Bill "An Act To Ensure Comprehensive Cancer Control in Maine" (C. "A" S-105)

(S.P. 405) (L.D. 1199) Bill "An Act To Establish the Lincoln and Sagadahoc Multicounty Jail Authority" (EMERGENCY) (C. "A" S-103)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence. **ORDERED SENT FORTHWITH.**

---

**BILLS IN THE SECOND READING  
House as Amended**

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) (C. "A" H-93)

Bill "An Act To Provide Leadership in Addressing the Threat of Climate Change" (H.P. 622) (L.D. 845) (C. "A" H-262)

Bill "An Act To Eliminate the Social Security Offset for Unemployment Benefits" (H.P. 657) (L.D. 880) (C. "A" H-146)

Bill "An Act Regarding Wrongful Discharge" (H.P. 820) (L.D. 1117) (C. "A" H-265)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

---

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

---

Bill "An Act To Provide That Employee Terminations by Any Company That Receives Monetary Benefits from the State Require Just Cause" (H.P. 860) (L.D. 1163) (C. "A" H-175)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative BRUNO of Raymond, was **SET ASIDE.**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned. (Roll Call Ordered)

---

**ENACTORS  
Acts**

An Act To Clarify How Consumers Acquire Information about In-pack Sweepstakes, Contests and Games (H.P. 301) (L.D. 381) (C. "A" H-227)

An Act To Ensure Fairness Regarding Use of Consumer Credit Reports in Insurance Underwriting (H.P. 362) (L.D. 470) (C. "A" H-220)

An Act To Clarify and Improve the Fairness of the Law of Trustee Process

(H.P. 449) (L.D. 586)  
(C. "A" H-221)

An Act to Protect Against Unlawful Sexual Touching

(H.P. 528) (L.D. 722)  
(H. "A" H-257 to C. "A" H-155)

An Act To Provide Parity in Funding for Enhanced 9-1-1 Services

(H.P. 570) (L.D. 771)  
(C. "A" H-217)

An Act To Implement the Maine Assistance Program for Lawyers

(H.P. 934) (L.D. 1262)

An Act To Amend the Laws Governing Improvident Transfers of Title

(H.P. 947) (L.D. 1275)

An Act To Allow District Attorneys To Approve Immunity Requests

(H.P. 1026) (L.D. 1399)

An Act To Amend the Forester Law

(H.P. 1063) (L.D. 1455)

An Act To Correct Certain Errors and Inconsistencies in Laws Relating to Marine Resources

(H.P. 1076) (L.D. 1471)  
(H. "A" H-247)

An Act To Amend the Licensing Requirements for Veterinarians

(H.P. 1098) (L.D. 1505)

An Act To Conform to Federal Standards Maine's Law Regarding Strip Searches of Persons in Custody

(H.P. 1115) (L.D. 1524)  
(C. "A" H-232)

An Act To Declare Maine Aviation and Aerospace Education Week

(H.P. 1173) (L.D. 1599)

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.

---

**Resolves**

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Enter into a Boundary Line Agreement between the State of Maine Parking Garage at the Corner of Sewall and Capitol Streets and the Parcel East of the Garage Bounded by Chamberlain Street

(H.P. 1057) (L.D. 1445)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Hallowell

(H.P. 1070) (L.D. 1465)  
(C. "A" H-224)

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

---

An Act To Increase Penalties for Furnishing or Trafficking Scheduled Drugs That Cause Death or Serious Bodily Injury

(H.P. 701) (L.D. 944)  
(S. "A" S-93 to C. "A" H-157)

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

On motion of Representative RICHARDSON of Brunswick, 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**: 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. 77**

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Blanchette, Bliss, Bowen, Bowles, Brannigan, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Koffman, Landry, Ledwin, Lemoine, Lessard, Lewin, Maietta, Mailhot, Makas, McCormick, McGowan, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Smith N, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Thompson, Tobin J, Trahan, Treadwell, Twomey, Usher, Vaughan, Walcott, Watson, Wheeler, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bierman, Breault, Cummings, Dugay, Gerzofsky, Goodwin, Ketterer, Laverriere-Boucher, Lerman, Lundeen, Marley, Marraché, McGlocklin, McKee, Shields, Simpson, Tardy, Thomas, Tobin D, Woodbury.

Yes, 131; No, 0; Absent, 20; Excused, 0.

131 having voted in the affirmative and 0 voted in the negative, with 20 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 following item was taken up out of order by unanimous consent:

**UNFINISHED BUSINESS**

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

An Act To Revise the Charter of the Brunswick Sewer District  
(H.P. 485) (L.D. 655)  
(C. "A" H-180)

TABLED - May 5, 2003 (Till Later Today) by Representative BLISS of South Portland.

**PENDING - PASSAGE TO BE ENACTED.**

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

---

The House recessed for the purpose of conducting Welcome Back Day Ceremonies.



**CONSENT CALENDAR**

**First Day**

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

(H.P. 607) (L.D. 830) Bill "An Act To Include Androscoggin County in the Law Governing the Use of County Surplus Funds" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 387) (L.D. 502) Bill "An Act To Expand the Education Tax Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-286)**

(H.P. 408) (L.D. 523) Bill "An Act To Hold Supervisors Personally Liable for Discrimination in the Workplace" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-285)**

(H.P. 421) (L.D. 558) Resolve, To Enhance Services to Children and Families (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-293)**

(H.P. 557) (L.D. 751) Bill "An Act To Implement the Recommendations of the Legislative Youth Advisory Council" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-295)**

(H.P. 685) (L.D. 928) Bill "An Act Regarding the Sale and Protection of Ferrets" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-296)**

(H.P. 1091) (L.D. 1494) Resolve, Regarding Legislative Review of Chapter 306: Information Disclosure Rule Amendment, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-294)**

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

(After Recess)

The House was called to order by the Speaker.

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

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

**Recognizing:**

Nathaniel J. Crowley, Sr., of Stockton Springs, who has recently been inducted into the University of Maine Sports Hall of Fame. An outstanding football, basketball and baseball player, Nat was captain of the University of Maine basketball team in his senior year as well as the leading batter on the 1941 and 1942 baseball teams. He also distinguished himself academically and was a member of the Senior Skulls. After college, Nat played semi-pro baseball and basketball and met his wife of the last 62 years, Esther. He also served in the United States Air Force during World War II as an aerial gunner aboard B-24s and flew many combat missions. After the war, Nat taught and coached at several high schools, including John Bapst High School, Deering High School and Lewiston High School. He guided his teams to many successful seasons, including the 1960 State Basketball Champions from Lewiston. In addition to his outstanding athletic and coaching achievements, Nat was elected to the 110th Maine State Legislature as Representative from District #112 and served 6 consecutive terms. He distinguished himself as a leader in the State House, serving as the Chair of the Marine Resources Committee, the Economic and Community Development Committee and the Education Committee during his 12 years of legislative service. Nat and Esther have 10 children, 22 grandchildren and 8 great-grandchildren. We extend our congratulations to Nat on his most recent recognition and thank him for his many years of service to the people of Maine;

(HLS 518)

Presented by Speaker COLWELL of Gardiner.

Cosponsored by Senator CATHCART of Penobscot, Senator WESTON of Waldo, Representative THOMAS of Orono, Representative KAELEN of Winterport, Representative ASH of Belfast, Representative BERRY of Belmont.

On **OBJECTION** of Representative COLWELL of Gardiner, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

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

Expression of Legislative Sentiment recognizing Nathaniel J. Crowley, Sr., of Stockton Springs.

(HLS 518)

Which was **TABLED** by Representative COLWELL of Gardiner pending **PASSAGE**.

Subsequently, the Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

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

**ENACTORS**

**Acts**

An Act To Allow the State To Claim a Setoff against a Convicted Person's Tax Refund for Purposes of Paying Restitution

(H.P. 778) (L.D. 1060)  
(C. "A" H-236)

An Act To Reduce Mercury Use in Measuring Devices and Switches

(H.P. 856) (L.D. 1159)  
(C. "A" H-250)

An Act To Increase the Licensing Fee Caps of the State Board of Optometry

(S.P. 469) (L.D. 1411)  
(C. "A" S-98)

An Act To Repeal the Provision of Law Requiring Permits for 53-foot Trailers

(H.P. 1072) (L.D. 1467)  
(C. "A" H-245)

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

(H.P. 1102) (L.D. 1509)  
(C. "A" H-243)

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.

**Resolves**

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Release the State's Interests in an Easement Benefiting the Maine Criminal Justice Academy in Vassalboro

(H.P. 1012) (L.D. 1377)  
(C. "A" H-252)

An Act To Require That Temporary Registration Plates Identify the Issuing Dealership

(H.P. 1046) (L.D. 1427)  
(C. "A" H-244)

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

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

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

**UNFINISHED BUSINESS**

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

Resolve, To Study the Implementation of a Plan To Prohibit the Discharge of Certain Wastewater into Coastal Waters (EMERGENCY)

(H.P. 943) (L.D. 1271)  
(C. "A" H-207)

TABLED - May 6, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **FINAL PASSAGE**.

Representative KOFFMAN of Bar Harbor **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: I just want to take a few minutes before we take the roll call to explain the purpose of this particular study. Some of you may not understand that this bill was generated by a concern that we, in Maine, may not know enough about the impact of cruise ship wastewater and gray water dumping along the coast of Maine. It is an issue that has come up in this body before, but since it has come up, the volume of cruise ship traffic on the coast of Maine has increased and will, by all the forecasts from construction of new ships suggests to grow two fold in the next decade and go on from there. Many of these ships hold over 5,000 passengers and crew. They are like small towns cruising up and down our coasts.

Is Bar Harbor happy to be hosts to those 70 cruise ships that will come in this season and the \$10 million in revenue? Absolutely. Do we wish to continue to play host to an increasing number of those ships and their guests? Absolutely. Do those guests bring automobiles into Arcadia National Park? No, they walk and take buses. We love that. We are happy that they come to Portland and other ports of call along the coast of Maine.

All of that understood, we don't think we know enough about the impact of wastewater dumping offshore. The federal statute requires that dark water, black water, sewage, can be dumped outside of our limits a few miles off shore. We don't know the impact of an increased volume of that dumping, 30,000 gallons or larger at a time, on our coastal fisheries. We don't have protections against the gray water, which can also be in the 30,000 or 40,000 gallons at a volume dumped anywhere it wants to be dumped, because there is no statute on it. That gray water is the shower water, the sink water, the kitchen water from a ship of 5,000 folks, the laundry, the photo lab, the dry cleaning shop, etc. That is not the black water. That is the gray water. It can be dumped right in Frenchman's Bay in Bar Harbor according to what we heard in testimony or any other harbor along the way. As you all know, Maine is an archipelago of islands. It is not hard to be three miles off shore and be in the middle of lobster habitat. Maine's reputation as a tourist destination is fundamentally based on the pristine quality of our ocean waters.

A cartoon in the *Boston Globe* of an ocean cruiser dumping the gray water or black water within off shore lobster traps would not be a pretty sight and would not be very good for our industry, clamming or even folks who want to come up here and swim, those who dare to do so in our ocean waters.

I think it is important that we study this issue. We will study it whether or not this Legislature allows this to go to the table to compete with other worthy studies. I just wanted to bring it to your attention that this is an issue that if we are going to have a problem, let's deal with it and prevent and continue to play host to those visitors from away who come by ship without degrading some of the other values that we hold very, very dear. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to add to the comments of my good friend from Bar Harbor on behalf of the committee that asked for your support of this unanimous committee report. Adding to the comments that were made a moment ago, it is my understanding that the study can and will be self-funded. Also, you need to understand that what we are trying to do here is the EPA allows us to regulate cruise ship activity and discharges in the coastal water only after you have had a certain study conducted. By giving legislative imprimatur to this, we are sure that it will be structured in a way to be consistent with those EPA requirements. Therefore, the results will be applicable using federal authority to then go back and say, this is what we want cruise ships to do differently. This is a process, which has happened in most coastal ports on the east coast. It is just new to Maine because, frankly, the cruise ship industry is a relatively new phenomena to us. We are catching up to Miami. We are catching up to the Maryland coast and so forth and that is why it is time for this. The reason why it is an emergency is a function of when the people are meeting on this. It is not a fiscal issue. It is simply coordinating with the activity of other people. Thank you for your help.

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

**ROLL CALL NO. 78**

YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Berry, Berube, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey B, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Maietta, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Peavey-Haskell, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith W, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Usher, Vaughan, Walcott, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Perry J.

ABSENT - Bennett, Bierman, Cowger, Dugay, Goodwin, Greeley, Lewin, Lundeen, Marraché, Smith N, Sykes, Tardy, Watson.

Yes, 137; No, 1; Absent, 13; Excused, 0.

137 having voted in the affirmative and 1 voted in the negative, with 13 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

---

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

(H.P. 989) (L.D. 1343)  
(C. "A" H-190)

TABLED - May 6, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **FINAL PASSAGE.** (Roll Call Ordered)

The SPEAKER: A roll call having been previously ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 79**

YEA - Adams, Annis, Ash, Austin, Barstow, Bennett, Berry, Berube, Blanchette, Bliss, Bowles, Brannigan, Breault, Brown R, Browne W, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Courtney, Craven, Cummings, Curley, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Honey, Hotham, Hutton, Jackson, Jacobsen, Jennings, Joy, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Ledwin, Lemoine, Lerman, Lessard, Maietta, Mailhot, Makas, Marley, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Millett, Mills J, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson J, Richardson M, Rines, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith W, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Usher, Vaughan, Walcott, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Andrews, Bruno, Collins, Cressey, Crosthwaite, Duprey B, Heidrich, Jodrey, Kaelin, Lewin, McCormick, McKenney, Mills S, Peavey-Haskell, Richardson E, Rogers, Snowe-Mello, Stone.

ABSENT - Bierman, Bowen, Clough, Cowger, Dugay, Eder, Goodwin, Greeley, Lundeen, Marraché, Paradis, Smith N, Sykes, Tardy, Watson.

Yes, 118; No, 18; Absent, 15; Excused, 0.

118 having voted in the affirmative and 18 voted in the negative, with 15 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

---

An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation and Parole

(H.P. 254) (L.D. 311)  
(C. "A" H-210)

TABLED - May 6, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **PASSAGE TO BE ENACTED.**

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

---

An Act To Adopt an Interstate Compact for Juveniles on Probation and Parole

(H.P. 977) (L.D. 1323)  
(C. "A" H-209)

TABLED - May 6, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **PASSAGE TO BE ENACTED.**

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

---

Resolve, to Improve Community Safety and Sex Offender Accountability (EMERGENCY)

(H.P. 292) (L.D. 372)  
(C. "A" H-158)

TABLED - May 5, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **FINAL PASSAGE.**

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. 138 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.**

---

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-212)** - Minority (3) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Strengthen the Criminal Laws by Expanding the Definition of Trafficking and Furnishing Prescription Narcotic Drugs To Include Illegal Possession of a Large Number of Pills"

(H.P. 698) (L.D. 941)

TABLED - May 1, 2003 (Till Later Today) by Representative BUNKER of Kossuth Township.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Subsequently, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-212)** was **READ** by the Clerk.

Representative **FAIRCLOTH** of Bangor moved that **Committee Amendment "A" (H-212)** be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Mr. Speaker, Men and Women of the House. In consultation with members of the Criminal Justice Committee, the chair of that committee and numerous other parties, we believe if this Indefinite Postponement motion were to be accepted, we could present another amendment, which is universally acceptable we hope.

Subsequently, **Committee Amendment "A" (H-212)** was **INDEFINITELY POSTPONED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on Bills in the **Second Reading**.

The same Representative **PRESENTED House Amendment "A" (H-291)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Mr. Speaker, Men and Women of the House. I want to first proceed by stating that we owe a debt of gratitude to Representative Bunker and to the members of the Criminal Justice Committee for bringing this piece of legislation. Sometimes we wonder whether what we do here matters. I can tell you with certainty that the legislation that Representative Bunker introduced will have a tremendous positive affect for the people of the State of Maine and in particular to the people of Washington County. This amendment, I think, as I shall explain, helps improve that further. From my own experience a decade ago, I served as the drug prosecutor for the counties of Penobscot, Piscataquis, Washington and Hancock. During that time, I saw a tremendous amount of drug abuse with marijuana and cocaine, but it was nothing like the scourge that we now see in Washington County with prescription drugs, particularly those known by the name of Oxiconin and Delodid. Washington County is the top of the east coast and one of the most beautiful places in America. It is sad that it is often noted in *Newsweek* and the *New York Times* for the use of this terrible drug and the debilitating affect it has had on people's lives.

What this amendment does is it does not create, as the original did, a per say trafficking based on a quantity of possession of a drug. It does not create a per say furnishing. What it does do is where there is a large amount of possession of those types of prescription drugs illegally, it will create a Class C possession of those prescription drugs. This is very important to the people who need treatment. It provides a long period of probation where treatment will be required and it is the reality that though those probationary periods are really the only way to require legally that one must get that kind of treatment, which is so very necessary. This amendment provides that Class C felony for that type of large-scale level of possession, but it does provide per say trafficking or furnishing.

I thank the members of the House and thank the members of the Criminal Justice Committee for taking this broad based approach that I think we all can support. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, May I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **BRUNO**: Mr. Speaker, Ladies and Gentlemen of the House. In reviewing this bill and seeing that the amendment says that you cannot be in possession of not less than 400 mg of Oxicondone or 50 mg of Hydromorphone. That could actually mean that you only had on your body three or four tablets, because of some of the new forms out there. Is that the intent of this amendment?

The **SPEAKER**: The Representative from Raymond, Representative Bruno has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Mr. Speaker, Men and Women of the House. Thank you for the question. There are various types and sizes of pills for Oxiconin and Delodid, the common names of these types of medications. These are valid to possess if you have a prescription. Most are not going to have that kind of large size for most prescriptions. However, there are some prescriptions that might. The reasoning behind this is that what matters most importantly is the amount of effective drug. If you possess this level, and we talked to the most experienced prosecutors with regard to these issues, they thought that this would achieve that goal of limiting it to only those who possess a large quantity of effective drug, regardless of the number of pills.

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. As a pharmacist, I am looking at these quantities that are suggested in this amendment. My reading of this amendment is that you don't have to have a whole lot of tablets of these medications on you to be prosecuted. That is a real concern of mine. Hopefully someone will stand up and table this after I speak, because I am not allowed to. I think I would like to talk to either the Criminal Justice Committee or the sponsor of this amendment to make sure that we are doing exactly what you think you are doing. Fifty milligrams of Hydromorphone can actually only be 12 or 13 tablets, because it comes in a 4-milligram form. The good Representative from Oakland, if I am wrong on this, I hope he stands up and corrects me. I have been doing this 25 years and 400 milligrams of Oxicondone can be three or four tablets. I don't think that is the intent of this legislation. Hopefully someone will stand up and table this.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Mr. Speaker, Men and Women of the House. I would make a motion to table, but in commenting point out that this standard, which is the inference standard from current law, takes the exact same quantities in milligrams that already exist in current law for inferences of furnishing. We did not come up with a new milligram standard. I am happy to move to table this for further discussion.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. After consultation with the sponsor of the amendment and the Chair of the Criminal Justice Committee, I will withdraw my questions and be comfortable with the amendment as is.

Subsequently, **House Amendment "A" (H-291)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-291)** and sent for concurrence.

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:

Bill "An Act To Clarify Arrest Powers of Law Enforcement Officers"

(H.P. 361) (L.D. 469)

Which was **TABLED** by Representative DUNLAP of Old Town pending **FURTHER CONSIDERATION**.

On motion of Representative DUNLAP of Old Town, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "A" (H-290) to Committee Amendment "A" (H-123)** 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. This amendment that I am presenting now is designed to clarify and resolve the concerns of some thoughtful, curious and energetic members of the other body in regards to some language in the Committee Amendment. This actually had a very lengthy history amongst two committees, the provision, which was a result of two pieces of legislation that I brought forward. One was referred to the Committee on Education and Cultural Affairs and the other to the Committee on Criminal Justice and Public Safety dealing with the law enforcement authority of the University of Maine System, public safety officers. At the end of the day it wound up that the University of Maine System officers were given the same law enforcement authority as any other constable or sheriff's deputy in the state. There was a concern that was expressed that we didn't want university officers operating willy nilly off campus without some communication from the local municipalities. What this amendment does is clarify that in order for the University of Maine law enforcement officer to exercise their authority outside

their parent premises, they would have to do so pursuant to a previous cooperative agreement with those municipalities with which they are acting. This amendment is agreeable to those very curious, thoughtful and energetic members of the other body and I believe also to the Committee on Criminal Justice and Public Safety. I hope you would support adoption.

Subsequently, **House Amendment "A" (H-290) to Committee Amendment "A" (H-123)** was **ADOPTED**.

**Senate Amendment "A" (S-111) to Committee Amendment "A" (H-123)** 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. This amendment now being adopted is now in conflict with the Senate Amendment that was presented under the authorship of one of those particular thoughtful, curious and energetic members of the other body. Therefore, I would now move Indefinite Postponement of Senate Amendment "A" (S-111).

On further motion of the same Representative, **Senate Amendment "A" (S-111) to Committee Amendment "A" (H-123)** was **INDEFINITELY POSTPONED**.

**Committee Amendment "A" (H-123) as Amended by House Amendment "A" (H-290)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-123) as Amended by House Amendment "A" (H-290)** thereto in **NON-CONCURRENCE** and sent for concurrence.

---

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

---

On motion of Representative TWOMEY of Biddeford, the House adjourned at 3:24 p.m., until 9:00 a.m., Friday, May 9, 2003.