

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume II

First Regular Session

May 27, 2003 – June 14, 2003

First Special Session

August 21, 2003 – August 23, 2003

Second Regular Session

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Second Special Session

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Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
FIRST REGULAR SESSION
62nd Legislative Day
Friday, May 30, 2003

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

Prayer by Honorable Joanne T. Twomey, Biddeford.

Pledge of Allegiance.

Doctor of the day, Katherine Pope, M.D., Cumberland Foreside.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 580)

JOINT RESOLUTION ESTABLISHING JUNE 15, 2003 AS "WALK WITH THE ONES YOU LOVE DAY"

WHEREAS, on Sunday, June 15, 2003, the Maine Speakout Project will sponsor its 6th annual "Walk with the Ones You Love" in the State of Maine; and

WHEREAS, these walks are being held to affirm our common humanity and desire for safety and equality and for all citizens to feel free to be themselves in public without fear of harassment or violence; and

WHEREAS, the "Walk with the Ones You Love" is being held to support committed relationships of all couples; and

WHEREAS, the walks are intended to diminish the isolation and harassment of sexual minority youth who consider suicide at twice the rate of their nongay peers; and

WHEREAS, during the walks, gay and nongay people will walk together to demonstrate a shared commitment to making our schools, streets and communities safe for our families and to the belief that all people in our State deserve the right to be who they are, love whom they wish and walk with whom they choose without fear; now, therefore, be it

RESOLVED: That June 15, 2003 be recognized as "Walk with the Ones You Love Day"; and be it further

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people of the State of Maine, take this occasion to urge citizens throughout the State to support and participate in these walks; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Speakout Project.

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

READ and **ADOPTED** in concurrence.

Non-Concurrent Matter

Bill "An Act To Authorize the Department of Audit To Perform Other Audits and Reviews"

(H.P. 1048) (L.D. 1429)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-369) in the House on May 15, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-369) AND SENATE AMENDMENT "B" (S-246)** in **NON-CONCURRENCE**.

On motion of Representative McLAUGHLIN of Cape Elizabeth, the House voted to **RECEDE AND CONCUR**.

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

COMMUNICATIONS

The Following Communication: (S.P. 581)

STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

AUGUSTA, MAINE 04333-0148

May 27, 2003

The Honorable Beverly C. Daggett

President of the Senate

3 State House Station

Augusta, ME 04333

Dear President Daggett:

I received the enclosed letter on Friday from Knox County Clerk Virginia Lindsey, on behalf of the County Commissioners, regarding the redistricting of the Knox County Budget Committee districts.

Pursuant to 30-A M.R.S.A. section 757(1), the Commissioners must prepare a redistricting plan for the budget committee seats by June 1, 1993 and every 10 years thereafter. The Commissioners must submit the plan to the Secretary of State within 5 days of adoption, and the Secretary of State must immediately transmit the redistricting plan to the Legislature for review and enactment.

Accordingly, I am forwarding the communication from the Knox County Commissioners to you and Speaker Colwell, for consideration by the Legislature.

Please let me know if I may be of any further assistance in this matter.

Sincerely,

S/Dan A. Gwadosky

Secretary of State

Came from the Senate, **READ** and with accompanying papers **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

READ and with accompanying papers **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

The Following Communication: (S.C. 267)

MAINE SENATE

121ST LEGISLATURE

OFFICE OF THE SECRETARY

3 STATE HOUSE STATION

AUGUSTA, ME 04333-0003

May 28, 2003

Honorable Millicent M. MacFarland

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today Adhered to its previous action whereby the Minority Ought Not to Pass Report from the Committee on Legal and Veterans Affairs on Bill, "An Act Concerning Political Action Committees and Party Committee Activities Prior to Elections," (S.P. 91) (L.D. 232), was accepted.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 269)

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

May 29, 2003

Clerk Millicent MacFarland
House of Representatives
2 State House Station
Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised the Senate today Insisted and Joined in a Committee of Conference on Bill, "An Act to Establish a Moratorium on Genetically Engineered Plants" (H.P. 893) (L.D. 1219) (SAS-229 to CAH-376).

The Chair appointed on the part of the Senate as conferees:

Senator Bryant of Oxford
Senator Kneeland of Aroostook
Senator Youngblood of Penobscot

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Resolve, To Authorize the State To Purchase a Landfill in the City of Old Town

(H.P. 1205) (L.D. 1626)

Sponsored by Representative DUNLAP of Old Town. (GOVERNOR'S BILL)

Cosponsored by Senator CATHCART of Penobscot and Representatives: CARR of Lincoln, Speaker COLWELL of Gardiner, KOFFMAN of Bar Harbor, PEAVEY-HASKELL of Greenbush, Senators: DAVIS of Piscataquis, MARTIN of Aroostook.

Committee on **NATURAL RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-204)** on Bill "An Act To Protect Against Unfair Prescription Drug Practices"

(S.P. 194) (L.D. 554)

Signed:

Senators:

BRENNAN of Cumberland
MARTIN of Aroostook

Representatives:

KANE of Saco
EARLE of Damariscotta
CRAVEN of Lewiston
WALCOTT of Lewiston

LAVERRIERE-BOUCHER of Biddeford

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

Signed:

Senator:

WESTON of Waldo

Representatives:

SHIELDS of Auburn
DUGAY of Cherryfield
CURLEY of Scarborough
CAMPBELL of Newfield
LEWIN of Eliot

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-204).**

READ.

Representative KANE of Saco moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On motion of Representative BRUNO of Raymond, **TABLED** pending the motion of Representative KANE of Saco to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

BILLS IN THE SECOND READING

Senate as Amended in Non-Concurrence

Bill "An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts"

(S.P. 135) (L.D. 398)

(S. "A" S-239)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in non-concurrence and sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS

Acts

An Act To Change Certain Educational Requirements and Make Title Changes for Licensed Social Workers

(H.P. 1162) (L.D. 1589)

(S. "A" S-232 to C. "A" H-454)

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

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE.**

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

Resolves

Resolve, To Protect High and Moderate Value Waterfowl and Wading Bird Habitats

(H.P. 908) (L.D. 1234)

(H. "A" H-506 to C. "A" H-372)

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

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE.**

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

Reference was made to Bill "An Act To Establish a Moratorium on Genetically Engineered Plants"

(H.P. 893) (L.D. 1219)

In reference to the action of the House on May 28, 2003, whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative McKEE of Wayne
Representative CARR of Lincoln
Representative EDER of Portland

CONSENT CALENDAR

First Day

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

(H.P. 867) (L.D. 1170) Bill "An Act To Redefine 'Muzzle-loading Firearm' and Expand the Muzzleloader Hunting Season" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-537)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS

Acts

An Act Regarding Wrongful Discharge

(H.P. 820) (L.D. 1117)

(H. "A" H-527 to C. "A" H-265)

An Act To Preserve the Role of Assisted Living

(S.P. 403) (L.D. 1197)

(C. "A" S-236)

An Act To Amend the Animal Welfare Laws

(S.P. 520) (L.D. 1545)

(H. "A" H-533 to C. "A" S-195)

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.

An Act To Fund Municipal Collection of Household Hazardous Waste

(H.P. 1135) (L.D. 1549)

(H. "A" H-526 to C. "A" H-494)

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

On motion of Representative RICHARDSON of Brunswick, was **SET ASIDE**.

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

ENACTORS

Acts

An Act To Require the Workers' Compensation Board To Adopt Rules To Require Electronic Filing

(H.P. 268) (L.D. 339)

(S. "A" S-243 to C. "A" H-191)

An Act To Restrict Fingerprinting of Educational Personnel to New Applicants for Certification, Authorization or Approval

(H.P. 667) (L.D. 890)

(C. "A" H-520)

An Act Concerning Retirement Benefits for State Employees

(H.P. 730) (L.D. 1009)

(H. "A" H-517 to C. "A" H-441)

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.

An Act to Ensure that Maine's Unemployment System is Responsive to the Needs of Today's Workforce

(H.P. 195) (L.D. 240)

(H. "A" H-528 to C. "A" H-482)

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

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE**.

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

An Act To Amend the Laws Governing the Deduction of Pensions, Retirement Benefits and other Income from State Income Tax

(H.P. 446) (L.D. 583)

(C. "A" H-534)

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

On motion of Representative DUPLESSIE of Westbrook, 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. 198

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

NAY - Woodbury.

ABSENT - Ash, Berube, Breault, Bryant-Deschenes, Goodwin, Lerman, Marraché, McGlocklin, O'Neil, Pellon, Perry A, Perry J, Watson, Wheeler, Young.

Yes, 135; No, 1; Absent, 15; Excused, 0.

135 having voted in the affirmative and 1 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

COMMUNICATIONS

The Following Communication: (S.C. 270)

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

May 29, 2003

Clerk Millicent MacFarland
House of Representatives
2 State House Station
Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised President Daggett today appointed to the Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails" (S.P. 390) (L.D. 1186) (C "A" S-227), the following conferees on the part of the Senate:

Senator Strimling of Cumberland County
Senator Damon of Hancock County
Senator Davis of Piscataquis County

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE..

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

UNFINISHED BUSINESS

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

Bill "An Act to Change the Name of the Augusta Mental Health Institute to 'Riverview Psychiatric Center'"

(S.P. 525) (L.D. 1562)

- In House, Report "A" **OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-208)** on May 28, 2003.

- In Senate, Senate **INSISTED** on its former action whereby Report "C" **OUGHT TO PASS AS AMENDED was READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-210)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE.**

TABLED - May 29, 2003 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - Motion of Representative CANAVAN of Waterville to **RECEDE and CONCUR.**

Subsequently, Representative CANAVAN of Waterville **WITHDREW** her motion to **RECEDE AND CONCUR.**

Representative KANE of Saco moved that the House **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE.**

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

Representative **CANAVAN:** Mr. Speaker, Men and Women of the House. Whatever you may have already decided on this issue, I would hope you would give some small consideration to what I offer today. What I say is truly heartfelt and not to be construed as politically motivated in any way. I speak as the parent of a child with bipolar disorder, but also I speak as a shameless feminist, if I may use that politically incorrect term in this body today. I realize that may put some of you off, but so be it. It has also been offputting at times to my husband and my children.

Getting to my point, I think that in naming the new hospital here in Augusta, Riverview Psychiatric Center, we are missing a golden opportunity to honor a daughter of Maine, whose life work has been largely ignored by history, but whose accomplishments were truly monumental. That person is Dorothea Dix, born in Hampden, Maine, some 200 years ago. I would preface my remarks by saying that before looking at Dorothea Dix's achievements, we need to put them in proper perspective. She lived in an era in which women's suffrage didn't exist and when women were rarely seen or heard from in the political realm. She lived in a time when people who suffered from mental illnesses lived in very harsh conditions and endured untold abuse. Many of them were incarcerated in jails and prisons and some things never change, do they? Others were left to waste away in poor houses. Hospitals for people with mental illnesses were virtually non-existent then.

At some point in her young life the plight of those with mental illness captured the heart and the mind of Dorothea Dix. At some point she made it her mission to see that these people were afforded the same dignity as folks with other illnesses. In her quest, she traveled some 30,000 miles throughout the east visiting prisons and jails and arms houses. In her travels she found desperately ill people. Many were living in filth, chained and beaten. She documented everything she saw. The conditions in which people were living and the cruelty to which they were subjected and when she had amassed the evidence she needed to support her case, Dorothea Dix, all alone, went to state legislatures throughout the east to present her findings and to ask legislatures to appropriate funds to build hospitals for the mentally ill.

As you might suspect, her message was not immediately embraced. Some things still never change. In fact, she was ridiculed, put down and as you might expect sometimes, she became the butt of misogynous humor. She was unstoppable in her ultimate mission, to improve the lot of people with mental illness. When her 40 year quest had finished, that is 40 years, she had founded 32 mental hospitals and many nursing schools.

When you look at the role of women in that day, when you think about the obstacles she had to overcome and when you know how difficult it was just to travel from point A to point B, given the mode of travel that existed, you have to stand in awe at her spirit and her accomplishments.

For single-handedly and through long years of work and travel and study and brow beating public officials, Dorothea Dix provided the impetus for change in the way society treated people who suffer from mental illnesses. People have said to me that Dorothea Dix didn't want recognition so we shouldn't be naming a hospital after her. Well, I go back a little further than most of you here in this body and let me fill you in on a bit of little known feminist trivia. Dorothea Dix's attitude was pretty typical of women of both the 19th and the 20th Century. These were women zealously committed to serving others. They were self-effacing and modest to a fault. They are rare traits to find today,

but common place not all that long ago among women. Growing up, I knew scores of people like her who spent a lifetime in the service of others and who consistently said never mind about me, just you go out and pass along to someone else all the good stuff I have taught you.

In some ways Dorothea Dix was an anomaly. A woman far ahead of her time, but in other ways she was very much a woman of the 19th Century, self-effacing, asking nothing in return for her efforts and avoiding the lime light and the glare of publicity. Like so many women in both the public and private realm, both past and present, recognition is so hard to come by. Dorothea Dix gets a few lines in the history books for a lifetime of dedication to serving a vulnerable population that was ignored by history from time and memorials, a lifetime of significant accomplishment and just a few lines in history. Names and monuments say something about who we are as a people. If you doubt it, remember the Iraqis who rushed to demolish every public reference to their dictator when our troops arrived on the scene.

Should our monuments and statutes and building pay tribute only to those who seek recognition? With all the attention grabbing arrogance that occupies the world stage today, what are we saying to our kids about substance, values when we consistently honor arrogance, slick hyperbole and publicity mongering and then pay tribute to true commitment with a plaque hidden away in a remote corner of a hospital that most Maine people will never see. Monuments truly do say something about who we are as a people, about our values. Don't we need to honor people who are concerned more with ideals than with image?

One last point I would offer, now in this day and age when we finally recognize that mental illnesses are brain disorders and that they are illnesses no less than cancer or diabetes or heart disease, but certainly no one asked to be mentally ill. Shouldn't we be working to eradicate the stigma that still surrounds this devastating illness, especially given that the evidence shows that stigma is still a very real reason why so many people fail to seek early treatment?

I ask you to consider which name you think best serves to eradicate stigma, Riverview Psychiatric Center or the Dorothea Dix Center, and which name is more appropriate given all of the facts concerning the accomplishments of Maine's own daughter, Dorothea Dix? This isn't about me. It is about paying tribute where it is earned and where it is deserved and it is about paying tribute in a way that Maine people can see and appreciate. Don't we do that for our politicians whose pictures hang in a very visible public place here on the third floor, most of whom are men I might add. It is also about taking a giant step toward eradicating stigma.

Men and women of the House, I would ask that you consider voting to support naming the Dorothea Dix Center by that name.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Mr. Speaker, Men and Women of the House. I rise also to support my motion to Insist and to Join. As we are talking a little bit about history, as a young social worker, 45 years ago just going into the field, I cut my professional eye teeth on Dorothea Dix. Dorothea Dix has been an icon to the profession of social worker. There is no one who values and respects what Dorothea Dix's legacy to the mentally ill has been than I. However, there is another whole set of facts that need to be considered in this context. This is not about lack of appreciation and respect for somebody who has made such a tremendous contribution to the mentally ill. What it is about is respecting a process that mentally ill persons themselves and

their families engaged in over a period of over six months in order to determine what they wanted to name the institute in which many of them would be calling home at periods of crisis and stress in their lives.

During this period of time these patients and families and others involved collected a list of 71 names. Dorothea Dix was one of the names. There were seven names that they were considering that had the word riverside or riverview associated with institute or center. What we have before us and what our committee was most influenced by in our majority recommendation was respecting the will of the people who call it home or would call it home. Whether they understood or whether they knew about the testimonial and the legacy of Dorothea Dix, I don't know. They knew it was on their list and they considered it.

It seems to me that as we deliberate these issues, while we respect and honor the memory of Dorothea Dix, we need also to respect and honor the process and the choice that was made by the very constituents, the patients, that we attempt to empower. So much of the treatment of the mentally ill in the past 30 years has been through an empowerment process. Our whole treatment system has been designed to personalize the services for the mentally ill. Advocacy services, self-help programs, they have had more influence in shaping the decisions of the mental health system than ever before in their lives and it gets greater and greater every year.

Men and women of the House, this is not about lack of appreciation and respect of Dorothea Dix. It is about respecting the wishes of those folks who went through a very lengthy and objective process to make this selection. It is only our attempt to honor it. I would urge you to support the current motion of Insist and see if we can do better in a committee of conference. Thank you Mr. Speaker.

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

Representative FAIRCLOTH: Mr. Speaker, Men and Women of the House. I rise in support of the process and in support and respect for the motion of the HHS Committee who has so thoughtfully recounted that process. I think that we should certainly take that very much into account. Also, as we consider this Committee of Conference and as we, as a body, reflect upon the deliberations of that Committee of Conference, I think we have a tremendous opportunity to also consider someone who I think is the greatest woman in the history of the State of Maine. Dorothea Dix is someone, to me, one of my own greatest heroes who had a new idea. Those are the greatest heroes, someone who had a new idea, a compassionate idea, that challenged the conventional wisdom and through her persuasion, her intellect and through her persistence, she changed the world, a young woman from Hampden, Maine, more so than most politicians actually changed the way the entire world views mental health.

The Chair reminded Representative FAIRCLOTH of Bangor to stay as close as possible to the pending question.

Representative FAIRCLOTH: Mr. Speaker, Men and Women of the House. I apologize if I was incorrect about the parliamentary procedure. I thought it was appropriate to speak on the record about issues that would relate to the Committee of Conference. If I am incorrect, then I will defer. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative DAIGLE: Mr. Speaker, Men and Women of the House. If this particular motion is defeated in non-concurrence, what will the name of this facility be?

The SPEAKER: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. It is my understanding that the name of the facility will be Riverview Psychiatric Facility.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I had my words to say and then after the repeated comments from the Speaker, I decided it wouldn't make sense. However, after the question and subsequent answer that was just given, I feel that I can offer these comments.

I would ask that you defeat the motion to insist and join in a Committee of Conference. If that does happen, my belief is if that does go down in defeat, the old AMHI, the current, because it was voted on last year, it was accepted, the current Riverview Psychiatric Center would remain the same.

I appreciate very much the eloquent words that have come before me, particularly from the good Representative from Waterville. We share some very delicate, sensitive like experiences. We talk about those often. I am coming at this from a totally different viewpoint than she is. When you think you have something all set at the end of a session and something comes out of nowhere, well this is one of those situations.

Last year as a member of the Health and Human Services Committee we passed a resolve. It was quite a process. We received input from consumers, from those in the field, from providers and from this area, the Augusta, central Maine area, the local radio stations took a poll and sent in numerous names. The department and the committee choose from those names and it came to Riverview Psychiatric Center. I have seen in print many places, publications, lots of things already done assuming the name already is Riverview Psychiatric Center. I don't understand where this all has come from.

Please know that I respect and honor the work that Dorothea Dix has done in the past. I agree that she is one of Maine's heroes. She is one of some women's heroes. I very much honor that. However, it has been stated that she did not want her name on anything. Where this came from this year, I don't know the motives or where this came from.

It has been said to me that Riverview Psychiatric Center, as I now call it, I probably will call it AMHI, but I try to call it by its real name. It is in my district. I have been told that it doesn't just belong to you. It doesn't just belong to the Augusta area, it is a statewide issue. I fully agree that it is a statewide issue. It serves clients from all over the state and their families and some from out of state. I realize that. However, this is an institution, both figuratively and literally, an institution in Augusta and in the central Maine community. They are taking this very, very seriously. It seems as though this is a very small matter as we enter the final weeks and days of our session where we have tax reform, health care, the budgets and bonds. I do wish we had spent as much time and energy on how many beds AMHI needed as opposed to the name. However, we are where we are.

I have received so many calls, so many e-mails and even this morning before we came here a call from a friend, a former long-term patient at AMHI, Riverview, requesting that I let his voice be heard. Please don't. They don't know who Dorothea Dix is. Although we should, most people don't know who Dorothea Dix is. I think that we should put our heads together and come up with some other way to honor her. In all due respect, I think the process is subverted if we do this. I ask that you defeat the

motion to Insist and Join in a Committee of Conference. Let it revert back to its current name, Riverview Psychiatric Center. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Walcott.

Representative **WALCOTT**: Mr. Speaker, Men and Women of the House. All I would like to add is it is important that we pass some form of bill. It was passed as a Resolve last year. However, it needs to be put into statute to make the changes between AMHI and the new building. I would just encourage everyone to join in this motion of Insisting and Joining the Committee of Conference. Thank you.

The Chair ordered a division on the motion to **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE**.

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

Representative **CANAVAN**: Mr. Speaker, Ladies and Gentlemen of the House. Since the two previous speakers discussed process, I wondered if I could address that? I did discuss this issue with a member of the committee, the name selection committee. My understanding from what she said was when the name Dorothea Dix was proposed, very few members of the committee knew anything at all about her accomplishments. I have to think that had they known the outcome might have been vastly different. Thank you.

The SPEAKER: A Division has been ordered. The pending question before the House is Insist and Join in a Committee of Conference. All those in favor will vote yes, those opposed will vote no.

A vote of the House was taken. 44 voted in favor of the same and 59 against, and accordingly the motion to **INSIST** and **JOIN** in a **COMMITTEE OF CONFERENCE FAILED**.

On motion of Representative O'Brien of Augusta, the House voted to **ADHERE**.

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

An Act To Amend the Dates for Implementation of the Maine Rx Program and the Prescription Drug Price Reduction Act
(H.P. 894) (L.D. 1220)
(C. "A" H-447)

TABLED - May 22, 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.

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:

Resolve, To Protect High and Moderate Value Waterfowl and Wading Bird Habitats

(H.P. 908) (L.D. 1234)
(H. "A" H-506 to C. "A" H-372)

Which was **TABLED** by Representative DUPLESSIE of Westbrook pending **FINAL PASSAGE**.

On motion of Representative KOFFMAN of Bar Harbor, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-372) as Amended by House Amendment "A" (H-506)** thereto was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-539) to Committee Amendment "A" (H-372)** which was **READ** by the Clerk.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. This is a new issue, of course, on our desks this morning. I would like to just describe some of my concerns with this. It is one of those unique areas where IF & W interfaces with the Department of Environmental Protection. The DEP has a process called the Site Location of Development and Permit Process where if you are trying to build a facility over a certain size or affecting a certain amount of area, you have to go to them and get a special permit to be allowed to do so.

On **POINT OF ORDER**, Representative KOFFMAN of Bar Harbor asked the Chair if the remarks of Representative DAIGLE of Arundel were germane to the pending question.

The Chair reminded Representative DAIGLE of Arundel to stay as close as possible to the pending question.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Quickly getting to the point, if you are a landowner and you seek permission from the site permit process, you need to identify if your land has been designated as a high value area. My concern is that the bill proposed before us would allow the state to make that designation without any notification to the landowner so that a person would not have any idea whether or not any future intended use of this property may be affected by it and have a chance to comment on that. I would like to pose a question.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who may answer, would you confirm that area will be designated without notification to the landowner and whether that is the legislative intent?

The **SPEAKER**: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. The short answer to this question is that when the Department of Inland Fisheries and Wildlife promulgates rulemaking, it notifies all interested parties, including the landowners. That is past practice. As far as the posture of this particular amendment to this particular bill, this was something that I had identified earlier on and had moved an amendment that was adopted. This is out of a unanimous committee report out of the Committee of Natural Resources

directing the Department of Inland Fisheries and Wildlife to designate certain waterfowl habitats as being either high, moderate or low value and then issuing a report that would then be referred to the Committee on Natural Resources. The amendment that has already been adopted would also direct a copy of that report to the members of the Committee on Inland Fisheries and Wildlife.

The unanimous committee report specified that the Department of Inland Fisheries and Wildlife would designate these habitat gradations through rulemaking. All this amendment does is specify what kind of rulemaking. As is typical of these types of designations that the department undertakes, it falls under the category of routine technical. That does not mean it is done in secret or late at night when there is nobody around. I get copies of these notifications all the time for routine technical rules.

Again, I emphasize that the Department of Inland Fisheries and Wildlife is extremely, almost to a fault, proactive in dealing with landowners, which explains why we have been so successful in engaging landowners to participate in these types of activities. In areas that may be a bit counterintuitive regarding things like designation of endangered species is a very good example. We are a model for the country in working with landowners on designation of endangered species and how it affects landowner's ability to use their property. I don't see anything different in this type of rulemaking process for designation of waterfowl habitat. I hope that answers everyone's questions. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. I think that the question here is the difference between routine technical and major substantive rules. I am sure that everybody here knows the difference and there is really not much need for me to go through that. The problem that I have with this, and I also have a major problem with routine rules anyway, but the routine rules are made by the departments without review by the Legislature. The major substantive rules have to come back to the Legislature and be adopted. I think that items of this magnitude that can involve property owners and people's right to do things on their own land, I think need to come back to the Legislature for review. I think we have had many issues that have come up recently involving DEP and some of the others that show that there is a need for legislative oversight on these departments. I would like a roll call Mr. Speaker.

Representative **CARR** of Lincoln **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-539) to Committee Amendment "A" (H-372)**.

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

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **ADOPTION** of **House Amendment "B" (H-539) to Committee Amendment "A" (H-372)** and later today assigned. (Roll Call Ordered)

On motion of Representative ADAMS of Portland, the House adjourned at 1:31 p.m., until 9:00 a.m., Monday, June 2, 2003 in honor and lasting tribute to Joseph A. "Joey" DiPietro, of Portland and E. Patricia Salem, of Millinocket.