

MAINE STATE LEGISLATURE

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Legislative Record
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

January 7, 2004 - January 30, 2004

Second Special Session

February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
 FIRST REGULAR SESSION
 66th Legislative Day
 Monday, June 9, 2003

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

Prayer by Honorable Ronald E. Usher, Westbrook.

National Anthem by Katelyn Parker, Sumner High School, Sorrento.

Pledge of Allegiance.

The Journal of Wednesday, June 4, 2003 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

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

(S.P. 525) (L.D. 1562)
 (C. "A" S-208)

PASSED TO BE ENACTED in the House on June 3, 2003.

Came from the Senate with Report "C" (1) **OUGHT TO PASS AS AMENDED** of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-210) in NON-CONCURRENCE.**

Representative **CANAVAN** of Waterville moved that the House **RECEDE AND CONCUR.**

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

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. When you get to be my age, if there is one thing you are attuned to, it is your own flaws. My worse one and all five of my kids will attest to it is bullheadedness. My kids say I don't know when to quit and sometimes they are right. I would submit to you as I have to them more than once, some things are worth fighting for. The issue before us now is one of those things. It is about deciding on a name for an important institution that Maine people hear and read about consistently, an institution that figures into the lives of many of our most vulnerable citizens. It is about improving a name that will reflect on the aura and image of the new mental health center for decades to come. It is about whether in selecting that name we choose to honor the courage and dedication of one of Maine's own daughters in a way that adequately recognizes her accomplishments. It is about valuing history and recognizing the benefits that accrue there often. Finally, it is about taking a giant step forward to irradiate the stigma of those still associated with mental illness. If you choose to support the pending motion to Recede and Concur, the new mental health center will be named the Dorothea Lynn Dix Center, a name that meets all of the previous criteria.

The other day when we talked about this bill, one of our distinguished colleagues mentioned process. We heard that to name the new hospital after Dorothea Dix would be to undermine process. We heard that the committee charged with recommending a name for the new mental health center had conducted a survey, compiled a list and then finally settled on a name that satisfied most of the committee members. A couple of weeks ago I looked at that list and saw the name of Dorothea Dix. I was curious to know why her name was not included given that she was a native Mainer who had done more, perhaps, than anyone else in modern history to improve the lives of people across the country with mental illness. I called the person responsible for overseeing the process and I asked when the

name of Dorothea Dix came up anyone on the committee had mentioned anything about her life. Did any of the members know the extent to which she had struggled for 40 years against tremendous odds to see that people with mental illness were treated humanely? Her answer to my question was no, no one on the committee had seemed to fully recognize the extent of Dorothea Dix's accomplishments. Apparently in the selection process to name a hospital for the mentally ill it didn't matter that one of the names under consideration belonged to a Maine native who devoted a lifetime to serving the mentally ill and who established 32 hospitals throughout the country. No one really knew much about her.

Men and women of the House, please don't mistake my meaning here. I am not faulting the committee's lack of knowledge. They aren't alone recently lunching with friends, I mentioned the name of Dorothea Dix. One of my friends asked whether she wrote a self-help column. My friend's response wasn't surprising until this debate took place, many others would have responded in the same way. History isn't a high priority now for many people. Ask anyone out there about Oprah O'Reilly and a light will go on. Ask about Dorothea Dix though and you will draw a blank. I am not expecting Maine people to be thumbing through history books after a hard days work, but my hope instead is that here in this place where history abounds that we who walk these halls day to day would have some small appreciation of history and its importance in this state complex and its value for Maine people. Whenever possible, we would seek to raise public awareness about those past heroes who sought to make life better for future generations. If respect for such things begins anywhere, it begins here. Over in front of the state library is the statute honoring Samantha Smith, a young girl who wrote to the premier or Russia during the cold war back in 1983 asking for peace. Thanks to the prudence of one Legislature every child who visits Augusta gets to learn about her. They learn about how one young girl acting on hope and faith demonstrated how one person's light can truly reach beyond the scope of normal human expectations. That statute exemplifies how public recognition of an individual can serve to garner public respect for history and the heroes who inhabit history.

As a former bureaucrat myself, I know something about that word process. The process does have its place, but quite often creativity and history matter little with process. It is a numbers game. Which number of people like which name the most and which name flows better. Let others have process. Here in this body doesn't history trump process? Are we to let process rule if we see a way that better serves Maine people? If we were intended to have no say in this matter, why does the law require that the final decision be ours? In a sense we are part of the process. In the case of this bill, if we fail to Recede and Concur with the Senate, each reference in the law to the new mental health center will remain as is, Augusta Mental Health Institute.

I think we have to ask the question, do we want consumers of mental health issues to walk through the doors of the new mental health facility to see first thing, the name Riverview Psychiatric Center? Another reminder and a further stigma, something that should never be in this enlightened day. They could be seeing the name Dorothea Lynn Dix and asking who is she? I think few people would argue that the answer would lend a measure of comfort and reassurance to those whose lives are falling apart at the seams. If we honor those who do good, if we refuse to let their names die, if we extol their good deeds, then do we not say to our children, here is a role model for you, someone for you to emulate. If we ignore the strong and the compassionate and the truly courageous in history, if we continue to allow ignorance to

prevail about their good deeds, aren't we missing an opportunity to advance the cause of hope and faith in the power of the human spirit? Men and women of the House, I would ask that you vote for the pending motion to Recede and Concur. Mr. Speaker, I would ask for a roll call. Thank you.

The same Representative **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**: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. I think most of us have tremendous respect for who Dorothea Dix was and what she contributed to the mental health history of this country. As I mentioned on earlier floor debate, as a psychiatric social worker 45 years ago, I learned about who Dorothea Dix was and is.

She was a hero. There are also living heroes. The living heroes today are the very consumers and family members who use the facilities for their treatment. You know, a very important part of the treatment of mental illness. It is an empowerment process. Psychologically empowering consumers who have long been acted upon rather than served with. Empowering them to take a responsibility for their own lives, control the decision-making process and the treatment plans and to not lose control of their lives during the treatment process while they are in an institution, and that will always be an institution, that they know that this is their home. That is why the Department of Behavioral and Developmental Services went through a six-month process to decide what should the name of this facility be. In that process the consumers and the families and the other providers shared their collective views and they came up with 71 names. Seven of those names were either Riverside or Riverview with different combinations. Dorothea Dix was in the middle of the pack of that. I don't know how much was explained during that process of who Dorothea Dix was or wasn't. All I know is that when it came to our committee, we felt strongly impelled to honor the intent of those who participated in shaping the name of, for many of them, is their future home.

We were conscience of the contribution that Dorothea Lynn Dix has made and voted to establish within the facility a plaque at the entrance and also to name the conference rooms in the facility after Dorothea Dix so that her memory would always be alive. Make no mistake about it that we felt that our mission and our mandate was to honor the will of the consumers and families who after this extensive process made the selection. The name Riverview, either Riverview Psychiatric Center, which had the majority of votes or Riverview Center was the selection of every House member of our committee. The opposing Minority Report "C" which was for the Dorothea Dix Center was one Senator. It did go down to the other body and the other body has made significant changes and brought it back to us as they are today. This will be our final look at it.

As you vote, men and women of the House, I urge you to please think not only of the past heroes, Dorothea Dix, and how we intend to honor her memory in the facility, but also think of the present day heroes who were the consumers themselves and their families who are going to be the ones to use it. They are going to feel proud that this the name of the center that they chose. I urge you, therefore, to defeat the proposed Recede and Concur motion and to adopt the Majority Report. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. This kind of hit me. I didn't realize we

were going to be faced with it as soon as we came in. I am glad I wasn't late this morning.

Not to be redundant, but I feel I have to go very quickly where this started and the process that began last year. As a member of the Health and Human Services Committee, as Representative Kane has said, there was a committee. There were consumers and providers and other interested parties involved in providing a list of names for the center. Several of them did include Riverview or Riverside in their name. Dorothea Dix was on that list. The ultimate decision was made, unanimously, to Riverview Psychiatric Center and the department, as far as I can see on any presentations that have been to any committees that I have been on, are eluding to the name Riverview Psychiatric Center. That was a Resolve last year. That is my understanding of why it came back. It came back at the last minute. It was, as Representative Kane pointed out, there was one dissenting vote to change the name to Dorothea Dix. The vote was from the other body. This process amazes me. I won't ascribe any motives to it, but it really amazes me how this has been prolonged. I will keep it at that.

Representative Canavan has made some very, very good points. Dorothea Dix was an incredible woman and an incredible advocate, passionate, years, decades, a century ahead of her time. She absolutely should be remembered and honored. Our school children don't know about her. They should. I do not believe with anything that naming the current Riverview Psychiatric Center as it is now known to change the name to Dorothea Dix is going to raise the level of familiarity and the level of knowledge of who and what she did. I do believe and I absolutely concur with Representative Kane that she was a hero, but there are other heroes. The consumers are heroes who try and try and try to get on with their lives, the families, many of us know that with all of our being how important the families are in the progress of the mentally ill.

I would offer anything that I could, AMHI, Riverview Psychiatric Center, in my district to perhaps develop a beautiful garden on the grounds of Riverview Psychiatric Center, a resting place, a very calm place of solace with a plaque for Dorothea Dix and perhaps some information about her. That, I think, would be great compromise. I don't think it needs to be in this bill, but you have my word that if others are interested in it that I would work on it. I strongly ask that you oppose this motion to Recede and Concur so that we can go back to our original motion and the original will of the past two sessions committees to name it Riverview Psychiatric Center. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Phippsburg, Representative Percy.

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

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

Representative **PERCY**: Mr. Speaker, Men and Women of the House. I have been whipped by both sides about this issue and my question is, why no one has come up with a compromise? The Dorothea Dix Riverview Center is exactly the same number of letters as Riverview Psychiatric Center and I speak for other freshman who are tired of having this issue used as a ping pong ball between both bodies. Thank you.

The **SPEAKER**: The Representative from Phippsburg, Representative Percy 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. That sounds like a fine suggestion to me and I don't know how we could get that through the process at this point. I would mention that I have discussed this matter with

several consumers of mental health and their family members and they were unanimous in agreeing that the Dorothea Lynn Dix Center is far more appropriate than Riverview Psychiatric. I have a memo recently received from a local mental health group asking my support for the name Dorothea Dix and asking how they can become involved in the process.

I would also point out that I am sure some may feel that a plaque in a remote corner of a hospital is sufficient to honor Dorothea Dix, but I think that is arguable. I would also point out that in the case of this bill if we fail to Recede and Concur and come to some agreement with the Senate, each reference in the law to the new mental health center will remain as is, Augusta Mental Health Institute. Because of the disagreement it is arguable as to what the facility will actually be called. I would urge you to vote for the Recede and Concur motion. If anyone in this body would be willing to sit down and try to arrive at a compromise, I would be more than willing to do that.

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

Representative **MCKEE**: Mr. Speaker, Ladies and Gentlemen of the House. This is the first time in seven years I have been here that something has reached this stage of the process and there have been questions. The most recent of which was the consideration of the removal of the word Squaw from place names across the state. Even though we had gotten to what we considered to be a good process, there were lots of people that had questions. I don't think that we have to apologize for the questions we are asked. Certainly the committees have done their work.

I have a question that I would like to pose to someone on the committee who could address the committee's consideration of the word psychiatric. I am thinking of health centers across the state that don't say physical health centers, but why was the specific word psychiatric placed into that? I am adverse actually to Riverview Center as well. It sounds kind of like a very gentrified name. I don't have any problem with the process there and would go with that, I guess, in the end.

In light of the tremendous amount of historical information that has been provided for me, I am willing and interested in slowing down the process here for that special consideration. If someone could address the addition of that word, I think that the good Representative from Phippsburg has certainly come up with a very good compromise if something could happen. I am concerned about that word psychiatric. If someone could answer that question, Mr. Speaker, perhaps from the committee. Thank you.

The SPEAKER: The Representative from Wayne, Representative McKee has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. Thank you for your question, Representative McKee, because that is a key issue. The committee was made aware through the department to an explanation of what one, Riverside Psychiatric Center was used. The explanation for using the term psychiatric is that it is basically destigmatizing for anybody who has witnessed the evolution in the mental health field. These are folks that for so much of the history were crazy. They were just dregs of society. In more recent years as research has been done on brain disorders and effective disorders.

We have been able to include them in the nomenclature of medicine. Psychiatric is not a derogatory term. It is a term that acknowledges it is a medical condition and witness that we have made tremendous progress in this body on expanding health care for covering mental disorders and expanding that. All of that

has been with an evolutionary philosophy in saying it for what it is, a brain disorder. These folks, the consumers and the family members, they aren't put off by the term psychiatric. They wish we were not put off by it. This is part of our educational price. There is a pseudo approach to stigma. They are not uncomfortable with being termed a psychiatric patient. That is what they are. It is a medical condition. They have worked very, very hard to reach the point where it was recognized as a medical condition. It is a long answer and I hope that helps to answer that question. Thank you.

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

ROLL CALL NO. 219

YEA - Adams, Barstow, Blanchette, Bliss, Brown R, Bunker, Canavan, Craven, Cummings, Davis, Eder, Finch, Gagne-Friel, Grose, Hatch, Jackson, Lerman, Lundeon, Makas, Marley, McKee, Mills J, Norton, O'Brien L, Paradis, Percy, Perry A, Perry J, Pingree, Piotti, Sampson, Saviello, Simpson, Smith N, Smith W, Sukeforth, Suslovic, Thomas, Thompson, Twomey, Watson, Woodbury, Wotton.

NAY - Andrews, Annis, Ash, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brannigan, Breault, Browne W, Bruno, Bryant-Deschenes, Bull, Campbell, Carr, Churchill J, Clark, Clough, Collins, Courtney, Cressey, Curley, Daigle, Dudley, Dugay, Dunlap, Duprey B, Duprey G, Faircloth, Fischer, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Hutton, Jennings, Jodrey, Joy, Kaelin, Kane, Landry, Ledwin, Lemoine, Lessard, Lewin, Mailhot, McCormick, McGowan, McKenney, McLaughlin, McNeil, Millett, Mills S, Moody, Murphy, Norbert, Nutting, O'Brien J, Patrick, Peavey-Haskell, Pellon, Pineau, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sherman, Shields, Stone, Sullivan, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Usher, Vaughan, Walcott, Wheeler, Young, Mr. Speaker.

ABSENT - Bennett, Churchill E, Cowger, Crosthwaite, Duplessie, Earle, Gerzofsky, Goodwin, Jacobsen, Ketterer, Koffman, Laverriere-Boucher, Maietta, Marraché, McGlocklin, Moore, Muse, O'Neil, Snowe-Mello, Sykes.

Yes, 43; No, 88; Absent, 20; Excused, 0.

43 having voted in the affirmative and 88 voted in the negative, with 20 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**.

Non-Concurrent Matter

Bill "An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations"

(H.P. 996) (L.D. 1354)

Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-546)** in the House on June 3, 2003.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative CLARK of Millinocket, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF**

CONFERENCE. Sent for concurrence. **ORDERED SENT FORTHWITH.**

Non-Concurrent Matter

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)

PASSED TO BE ENACTED in the House on May 30, 2003.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative SMITH of Van Buren, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

COMMUNICATIONS

The Following Communication: (S.C. 273)

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

June 4, 2003

Honorable Millicent MacFarland
Clerk of the House
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 Control County Jail Health Care Expenses" (H.P. 585) (L.D. 808) the following conferees on the part of the Senate:

Senator Strimling of Cumberland County
Senator Damon of Hancock County
Senator Carpenter of York County

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 32)

ORDERED, that Representative Mary Black Andrews of York be excused Monday, June 2nd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bonita J. Breault of Buxton be excused Friday, May 23rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Darlene J. Curley of Scarborough be excused Tuesday, June 3rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Susanne P. Ketterer of Madison be excused Thursday, May 22nd, Friday, May 23rd, and Tuesday, May 27th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Louis B. Maietta, Jr. of South Portland be excused Tuesday, May 20th, and Wednesday, May 21st for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Janet T. Mills of Farmington be excused Friday, May 23rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas F. Shields of Auburn be excused Friday, May 23rd for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard M. Sykes of Harrison be excused Friday, May 23rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Judd D. Thompson of China be excused Tuesday, June 3rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas R. Watson of Bath be excused Wednesday, May 28th, Thursday, May 29th, and Friday, May 30th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter A. Wheeler, Sr. of Kittery be excused Friday, May 30th for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Roland W. Smith, of Wayne, at the age of 74. This farmer and logger was working in the woods, doing what he loved best, when his heart gave out. He will be greatly missed by his wife of 37 years, Allene; his 3 children, Laurie, Darrell and Brenda; his 3 grandchildren, whom he adored, Maria, Garrett and Megan; and all his siblings, friends and relatives;

(HLS 679)

Presented by Representative SMITH of Monmouth.

Cosponsored by Representative McKEE of Wayne, Senator TREAT of Kennebec, Representative JACKSON of Fort Kent.

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

READ.

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

Representative **SMITH**: Mr. Speaker, Men and Women of the House. Roland W. Smith is a man that I have known for the past nine years as Uncle Roland. My husband says that Uncle Roland was a man of few words, hardworking and honest. Uncle Roland was my father-in-law's brother. He was child number eight of 12. My husband Ivan is the youngest of seven siblings so it is not your imagination, there are a lot of Smiths out there. When I called to check in with my husband just a week ago, he simply said, Uncle Roland died today, you will have to let Linda McKee know she lost a constituent. Roland W. Smith died one week ago today at the age of 74 while working as a logger clearing a house lot with his chainsaw and skidder. By the look of it, he laid down his chainsaw and then laid himself down to the earth when his heart gave out. I think it shows something of his optimism and the optimism of the family that a 74-year running a skidder and a chainsaw dies of a heart attack and his obituary reads that he died very unexpectedly.

The family agrees that Roland wouldn't have chosen any other way for his life to have come to an end. We think he would have been happy to stay with us a while longer. He was married to Allene for over 30 years and he raised three children, Laurie, Darrell and Brenda and wholeheartedly cherished his three grandchildren, Maria, Garrett and Megan. Uncle Roland was a farmer, a logger and mill worker. He first logged back when, rather than a skidder, he worked with a team of horses. First with

Tom and Dick, his dad owned Harry and then with Tom and Molly. He farmed for many years raising dairy cows, chickens and pigs just like Ivan and I do today. In the words of one of my husband's five brothers, he was a jack-of-all-trades and one soft-spoken big guy.

We will miss seeing him drive down the road in his old blue pickup headed to his logging job or to his sister Amber's house for lunch and a visit. It is because of Roland Smith and people like him with his unwavering integrity and his quiet kindness that it really means something to be from Maine and to be of Maine. Thank you.

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

Recognizing:

David Wilbur, of Gray, on his retirement after 30 years at the helm of the Maine Wildlife Park in Gray. Dave, who began as a gatekeeper, has marshaled the wild kingdom into sound financial times. The park is growing and adding programs, which are realized through sound management of volunteers, donations and gate fees. His efforts can be seen through the upgraded, modernized and beautified animal exhibit areas that attract people from all over the world. We extend our best wishes to Dave on his retirement and thank him for his dedication to the development of the Maine Wildlife Park;

(HLS 660)

Presented by Representative AUSTIN of Gray.
Cosponsored by Senator TURNER of Cumberland.

On **OBJECTION** of Representative AUSTIN of Gray, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Mr. Speaker, Ladies and Gentlemen of the House. Dave has truly been a part of the landscape of the game farm now officially called the Maine Wildlife Park for well over 30 years that he has worked there. He grew up just across the road and was often at the farm with the neighborhood kids. The farm has seen many changes as its foreclosure was threatened and volunteers stepped forward from the Gray/New Gloucester area to help supplement the running of the wildlife park. Educational programs are ongoing for young and old alike with the favorite being the annual night tour of the park in the fall with only flashlights to help people discover the world of our nocturnal animals. Dave has seen a lot in the 30-plus years. Much of the evolving change to bring more and more people into the intricate process of running and sustaining the park is to his credit. Dave, thank you for your part in preserving and passing onto future generations the wealth of knowledge that comes from seeing wildlife in as close to their natural habitat as possible. Thank you Mr. Speaker.

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

Recognizing:

Matt and Kevin Hancock, of Casco, recipients of the 2003 Down East Environmental Award. Matt and Kevin Hancock, owners of Hancock Land Company and Hancock Lumber, provide a business model of land stewardship. They have combined conservation techniques and good business practices by working with environmental groups on a series of easements that preserve thousands of acres of prime forest land and ensure the future of their companies. We extend our sincere congratulations on their achieving this distinctive and well-deserved honor;

(HLS 662)

Presented by Representative AUSTIN of Gray.
Cosponsored by Representative BRUNO of Raymond, Representative CRESSEY of Baldwin, Senator BENNETT of Oxford, Senator TURNER of Cumberland.

On **OBJECTION** of Representative AUSTIN of Gray, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to present to you a business that for five generations has been a model of success in our state. This family opened one of their many retail lumber outlet stores in our village of Gray and operated it for many years before it moved to its present site at the Foster's Corner in Windham. The two young men, brothers, who have this family company today have been a creative counter thinking measure made simple the complicated issues that face our forest industry and our environmentalists. They have eked out a notch in a highly sensitive area where the two important groups were often at loggerheads and at opposite ends of the stick. In its own way their business model of self-legislation with the cooperation and collaborative effort of land trust groups may be one of the most impactful moves made to save the resource that Maine is most famous for, our woods, the natural beauty and the quality of life that affords man and wildlife alike. Please join me today in congratulating these two young men, their family and the business that they steer for their continues stepping up to maintain sustainable forest practices so that we can not only live here, but have a greater value in that living. Thank you.

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

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-53)** on Bill "An Act Regarding Employment of Workers' Compensation Board Hearing Officers and Mediators"
(S.P. 190) (L.D. 550)

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 "B" (S-54)** on same Bill.

Signed:

Senator:

BLAIS of Kennebec

Representatives:

TREADWELL of Carmel
CRESSEY of Baldwin

HEIDRICH of Oxford
NUTTING of Oakland

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.

READ.

On motion of Representative SMITH of Van Buren, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR** in concurrence.

ENACTORS

Acts

An Act To Improve Enforcement of the State's Natural Resource Protection, Timber Theft and Trespass Laws

(H.P. 1059) (L.D. 1447)

(H. "B" H-547 to C. "A" H-456)

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. **ORDERED SENT FORTHWITH.**

An Act to Amend Certain Provisions of the Program Evaluation and Government Accountability Laws

(H.P. 59) (L.D. 51)

(C. "A" H-361)

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.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

Reference was made to Bill "An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations"

(H.P. 996) (L.D. 1354)

In reference to the action of the House on June 9, 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 CLARK of Millinocket
Representative THOMPSON of China
Representative MOORE of Standish

CONSENT CALENDAR

First Day

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

(H.P. 367) (L.D. 475) Bill "An Act To Improve Conditions for Inmates with Mental Illness" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-548)**

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. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

The following Joint Order: (S.P. 586)

ORDERED, the House concurring, that the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall jointly prepare a bill for submission to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters to the First Regular Session of the 122nd Legislature that recodifies the Maine Revised Statutes, Title 7, in accordance with the following:

1. Scope of recodification. In preparing the proposed recodification, the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall reorganize the laws contained in the Maine Revised Statutes, Title 7, eliminate archaic terms and confusing language wherever possible, update cross-references and make other technical changes necessary to improve the readability and accessibility of Title 7. The recodification is not intended to contain substantive changes to the agriculture and animal laws.

2. Participation of department. The Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall invite the participation of the Department of Agriculture, Food and Rural Resources in preparing the proposed recodification.

3. Report. The Office of Policy and Legal Analysis and the Office of the Revisor of Statutes shall submit the proposed recodification to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters no later than January 15, 2005. If the offices require a limited extension of time to complete their work, they may apply to the Legislative Council, which may grant an extension.

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

SENATE PAPERS

Pursuant to the Constitution

Chief Justice of the Supreme Judicial Court

Report of the **Chief Justice of the Supreme Judicial Court** pursuant to the Constitution of Maine, Article X, Section 6 asks leave to report out the accompanying Resolve, Approving the 2003 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution (EMERGENCY)

(S.P. 585) (L.D. 1630)

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report was **READ**.

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**: Thank you Mr. Speaker. This document, LD 1630, apparently showed up on our desks this morning. It is 38 pages long. Has there been any review of this by any legislative committee?

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 Portland, Representative Norbert.

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the Representative's question, the answer is no. This is something that is pursuant to the State Constitution, Article 10, Section 6 to be exact. Every 10 years the Chief Justice has the authority to make technical changes, nothing substantive allowed here at all with the headings and the head notes and things like that. It is a lengthy document. It is something that can be reviewed by us if that is the pleasure. It is also the Chief Justice's authority to do this.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to express my concern for this only remembering earlier this session when there was discussion about recodification of some state statutes where changes were made that years later we recognized involves policy issues. I am not suspecting at all for a moment that this has happened here, but I think it is highly unusual to get 38 pages of such an important document, perhaps the most important one in our system of government, and expect this body to pass it without any whatsoever to review.

On motion of Representative **RICHARDSON** of Brunswick, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 579) (L.D. 1625) Bill "An Act To Provide Affordable Loans for Higher Education" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-257)**

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

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

(S.P. 583) (L.D. 1628) Resolve, Concerning Reauthorization of a 1997 Pollution Control Bond Issue Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

On motion of Representative **DAIGLE** of Arundel, was **REMOVED** from the First Day Consent Calendar.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Just briefly, I would like to make some remarks. Last week I objected to this matter and I just want to briefly explain that the issue involved was that in this case the state had to issue bonds over several years to fund the clean up of tire dumps. In doing so, there was some cost recovery by the owners of these tire dumps. What the state had done earlier this session, which was documented was they had taken the money returned in cost and recovery and rather than put it back into the fund of the bond in order to do more tire dumps, it was turned over to the general fund and used for other purposes. I think that was an inappropriate use of that money and this delay has given us an opportunity to have this issue further researched and to be

substantiated that this is in fact exactly what did happen. It was not a great deal of money, but it should have never happened at all. By making us aware of that, I do support the reauthorization of the final \$1 million, but I hope that those of us who stay in this body remember in the future that bond money is something that should be held to a high ethical standard when approved by the people and should be spent only for the purpose of that bond money to authorize buyer of citizens during their votes. Thank you.

The Committee Report was **READ** and **ACCEPTED**. The Resolve was **READ ONCE**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

REPORTS OF COMMITTEE
Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Control County Jail Health Care Expenses"

(H.P. 585) (L.D. 808)

has had the same under consideration, and asks leave to report:

That the Senate **RECEDE** and **CONCUR** to **Passage to be Engrossed as Amended by Committee Amendment "A" (H-365)**.

That the House **READ** and **ACCEPT** the Committee Report.

Signed:

Senators:

STRIMLING of Cumberland
DAMON of Hancock
CARPENTER of York

Representatives:

BUNKER of Kossuth Township
LESSARD of Topsham
GREELEY of Levant

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Senate having **RECEDED** and **CONCURRED** to **Passage to be Engrossed as Amended by Committee Amendment "A" (H-365)**.

READ and **ACCEPTED** in concurrence.

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

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

On motion of Representative **SMITH** of Monmouth, the House adjourned at 1:07 p.m., until 10:00 a.m., Tuesday, June 10, 2003 in honor and lasting tribute to Roland W. Smith, of Wayne, HTC Navy Chief John Oliver Brown, J. Franklin Howe, of Bath and Della Holt Klamet, of Norway.