

MAINE STATE LEGISLATURE

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

Volume II

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First Special Session

August 21, 2003 – August 23, 2003

Second Regular Session

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Second Special Session

February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
5th Legislative Day
Thursday, January 15, 2004

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

Prayer by Reverend Richard A. Bamforth, Augusta (retired).
National Anthem by Wells High School Chorus.
Pledge of Allegiance.
Doctor of the day, Alan Ross, M.D., Augusta.
The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 673)

ORDERED, the House concurring, that the Joint Standing Committee on Labor report out, to the Senate, a bill relating to the permissible uses of sick leave and establishing a minimum sick leave benefit.

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

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **PASSAGE** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 292)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 15, 2004

Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under House Rule 201.1 (I), I am pleased to appoint Representative Mary Black Andrews of York to serve as the Ranking Republican Member of the Joint Standing Committee on Education and Cultural Affairs in the place of Representative Thomas W. Murphy, Jr. of Kennebunk. Representative Murphy will remain a member of the Joint Standing Committee on Education and Cultural Affairs.

Should you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Patrick Colwell

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 426)

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

January 14, 2004

Honorable Patrick Colwell
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear Speaker Colwell:

In accordance with Joint Rule 506 of the 121st Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Joint Standing Committee on Legal and Veterans Affairs, the nomination of John W. Libby of Waterville, for appointment as the Adjutant General.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Pursuant to Statute

Department of Agriculture, Food and Rural Resources

Representative McKEE for the **Department of Agriculture, Food and Rural Resources** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

(H.P. 1354) (L.D. 1831)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ**.

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 39)

ORDERED, that Representative Philip R. Bennett, Jr. of Caribou be excused Thursday, January 8th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joan Bryant-Deschenes of Turner be excused Tuesday, January 13th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Eugene L. Churchill of Orland be excused Thursday, January 8th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Rodney C. Jennings of Leeds be excused Thursday, January 8th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Susanne P. Ketterer of Madison be excused Wednesday, January 7th and Thursday, January 8th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas B. Saviello of Wilton be excused Thursday, August 21st, 2003 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Edward J. Suslovic of Portland be excused Thursday, January 8th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas R. Watson of Bath be excused Thursday, January 8th for personal reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Maine Association of Nonprofits (MANP), which is hosting the first Nonprofit Day at the State House on January 15, 2004. The association is the only statewide organization that represents the full spectrum of the State's nonprofit organizations. Founded in 1994 by a core group of 7 nonprofit organizations, the Maine Association of Nonprofits is committed to advancing and strengthening Maine's nonprofit sector. Its membership consists of more than 500 nonprofit members and 55 business and individual supporters. Its mission is to strengthen the leadership, voice and organizational effectiveness of nonprofit organizations throughout the State so that they can better enrich the quality of community and personal life throughout the State. We congratulate the Maine Association of Nonprofits for its excellent work on behalf of the nonprofit organizations and extend our thanks for organizing the first Nonprofit Day at the Maine State Legislature;

(HLS 1018)

Presented by Representative BLISS of South Portland.

Cosponsored by Representative McKEE of Wayne, Representative BRANNIGAN of Portland, Representative SULLIVAN of Biddeford, Representative BLANCHETTE of Bangor, Representative CUMMINGS of Portland, Representative KANE of Saco, Representative DUNLAP of Old Town, Representative O'NEIL of Saco, Representative NORBERT of Portland, Representative SMITH of Van Buren, Representative CLARK of Millinocket, Representative BULL of Freeport, Representative KOFFMAN of Bar Harbor, Representative McLAUGHLIN of Cape Elizabeth, Representative DUDLEY of Portland, Representative LEMOINE of Old Orchard Beach, Representative USHER of Westbrook, Representative RICHARDSON of Brunswick, Speaker COLWELL of Gardiner, Senator STRIMLING of Cumberland.

On **OBJECTION** of Representative BLISS of South Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from South Portland, Representative Bliss.

Representative **BLISS**: Mr. Speaker, Men and Women of the House. It really doesn't matter what part of the state you live in, how big or small your community is, there are non-profits working in your community. They are generally small. They generally have very small budgets and rely on volunteers. They do an amazing amount of work for our most needy citizens. They work with our youth. They work with our infirm and our elderly. It really doesn't matter where you are in this state, a great deal of the work that makes us an intelligent and conscientious society comes from the work that non-profits do. It used to be that non-profits in Maine struggled by themselves. It has only been recently, the last 10 years, that they have begun to work together through this new umbrella organization called the Maine Association of Non-Profits. It's first executive director, John Walker, comes from Cape Elizabeth. He was able to work with first seven and then more and now over 500 non-profits from across the state who work together and teach each other skills ranging from how to find board members, how to keep your volunteers from leaving because of the amount of work that they have to do, to how to raise money and now how to interact with the Maine State Legislature and state government. It is a great organization. They have done hard work. They have helped numerous small non-profits all over the state. They are here

today for the first non-profit day in the Legislature. I hope that this afternoon when we adjourn, you will take some time to visit with them and an array of their member organizations in the Hall of Flags. I am very pleased today to salute them, salute the work that they do and to congratulate them for setting up today's program. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Lerman.

Representative **LERMAN**: Mr. Speaker, Men and Women of the House. I would like to add my kudos to the Maine Association of Non-Profits. I think they do outstanding work. What I would like to add in particular is in addition to making a contribution to our communities through the fine work that they do, the non-profit sector is becoming increasingly important to our economy. In fact, there are probably hundreds of thousands of people, good Mainers, working in these organizations. They are making a real significant financial contribution all across the state in terms of payroll and other services that they purchase. As we look forward to our changing economy and more emphasis on the service sector portion of our economy, non-profits are clearly a very important part of that. I acknowledge their wonderful contribution directly in services to residents of our fine state, but I also want to recognize the contribution that they make to our state's economy. Thank you Mr. Speaker.

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

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

REPORTS OF COMMITTEE**Change of Committee**

Report of the Committee on **TRANSPORTATION** on Bill "An Act To Establish Harbor Master Standards and Course Requirements"

(S.P. 612) (L.D. 1680)

Reporting that it be **REFERRED** to the Committee on **MARINE RESOURCES**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **MARINE RESOURCES**.

Report was **READ**.

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

Representative **KANE** from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify the Responsibilities under the Adult Protective Services Act"

(H.P. 1287) (L.D. 1765)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent for concurrence.

Representative **KANE** from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prohibit Female Genital Mutilation"

(H.P. 1300) (L.D. 1778)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Report was **READ**.

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

Representative KANE from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Adequate Home-based Care Services and Provide the Most Cost-effective Long-term Care for Maine Seniors"

(H.P. 1330) (L.D. 1808)

Reporting that it be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent for concurrence.

Representative USHER from the Committee on **TRANSPORTATION** on Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$3,000,000 To Build a Warehouse To Stimulate and Support Maine's Manufacturing, Transportation and Harbor Industries"

(H.P. 1225) (L.D. 1647)

Reporting that it be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1097) (L.D. 1504) Bill "An Act To Clarify the Work Center Purchases Committee Requirements for Work Centers and Competitive Bidding" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

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

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

SENATE PAPERS

The following Joint Order: (S.P. 674)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 20, 2004, at 4:00 in the afternoon.

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

ORDERS

On motion of Representative DUNLAP of Old Town, the following Joint Order: (H.P. 1355)

ORDERED, the Senate concurring, that:

1. The Joint Standing Committee on Inland Fisheries and Wildlife shall:

- A. Examine the current laws governing the sale of lead-based tackle;
- B. Review the varieties of all lead-based tackle sold in the State;
- C. Study existing cooperative agreements with manufacturers to phase out lead-based tackle weighing less than 1/2 ounce; and
- D. Identify other sources of lead discharges into the inland waters of the State.

2. Based on its review, the committee shall report out, to the House, a bill to address the issues surrounding lead discharges into the waters of the State.

READ and **PASSED**.

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

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:

HOUSE REPORT - **REFER** to the Committee on **MARINE RESOURCES** - Committee on **TRANSPORTATION** on Bill "An Act To Establish Harbor Master Standards and Course Requirements"

(S.P. 612) (L.D. 1680)

Which was **TABLED** by Representative BULL of Freeport pending **ACCEPTANCE** of the Committee Report.

Subsequently, the Report was **ACCEPTED** and the Bill was **REFERRED** to the Committee on **MARINE RESOURCES** in concurrence.

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

On motion of Representative BULL of Freeport, the House adjourned at 11:06 a.m., until 4:00 p.m., Tuesday, January 20, 2004 pursuant to the Joint Order (S.P. 674).