

# 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**

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**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 SPECIAL SESSION  
4th Legislative Day  
Tuesday, February 10, 2004

SPECIAL ELECTION – February 3, 2004  
STATE REPRESENTATIVE  
DISTRICT 18

BEAUDETTE, STEPHEN RAYMOND, Biddeford 428  
LAFORTUNE, DOROTHY, Biddeford 226  
POOLER, BRIAN C., Biddeford 33  
I, **DAN A. GWADOSKY**, Secretary of State, hereby certify that the foregoing report is a true tabulation of the votes cast at the Special Election for State Representative in District 18, as reported to me on the return from the City of Biddeford.  
S/DAN A. GWADOSKY  
Secretary of State  
Received by the Governor  
S/JOHN ELIAS BALDACCI  
Governor

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

Prayer by Honorable Donna M. Loring of the Penobscot Nation.

Pledge of Allegiance.

Doctor of the day, Richard Marino, M.D., Portland.

The Journal of Thursday, February 5, 2004 was read and approved.

**COMMUNICATIONS**

Out of Order and Under Suspension of the Rules, the Following Communication: (H.C. 324)

**STATE OF MAINE  
OFFICE OF THE  
SECRETARY OF STATE  
AUGUSTA, MAINE 04333-0148**

February 5, 2004  
Honorable Millicent MacFarland  
Clerk of the House  
Maine House of Representatives  
2 State House Station  
Augusta, Maine 04333-0002

Dear Clerk MacFarland:

Please find enclosed a certified copy of the final results from the February 3, 2004 Special Election held in State Representative District 18.

Sincerely  
S/Dan A. Gwadosky  
Secretary of State

**STATE OF MAINE  
OFFICE OF THE SECRETARY OF STATE  
February 5, 2004**

To Millicent M. MacFarland, Clerk of the House, in the One Hundred and Twenty-first Legislature:

I, **DAN A. GWADOSKY**, Secretary of State, pursuant to the provisions of Title 3 MRSA, Section 1, hereby certify that the following is the name and residence of the Representative-elect to the One Hundred and Twenty-first Legislature, in accordance with the tabulation submitted to the Governor on February 5, 2004:

DISTRICT 18 Stephen Raymond Beaudette, Biddeford

**IN TESTIMONY WHEREOF**, I have caused the Great Seal of the State to be affixed, given under my hand at Augusta this fifth day of February in the year Two Thousand and Four.  
S/DAN A. GWADOSKY  
Secretary of State

**READ and ORDERED PLACED ON FILE.**

**STATE OF MAINE  
DEPARTMENT OF THE SECRETARY OF STATE**

I, the **Secretary of State of Maine**, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and that the paper to which this is attached is a true copy from the records of this Department.

In Testimony Whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, February 5, 2004

S/DAN GWADOSKY  
SECRETARY OF STATE

At this point, the Speaker announced the presence in the Hall of the House of Representative-Elect BEAUDETTE of Biddeford. The Speaker appointed the following Representatives to escort Representative-Elect BEAUDETTE to the Office of the Governor to take and subscribe the oath necessary to qualify him for the discharge of his official duties:

Representative DUPLESSIE of Westbrook  
Representative SULLIVAN of Biddeford  
Representative TWOMEY of Biddeford

**SENATE PAPERS**

The following Joint Order: (S.P. 689)  
WHEREAS, the property tax burden in the State continues to be an issue of widespread public concern; and

WHEREAS, federal mandates have placed increasing costs and demands on each unit of local government, regardless of size; and

WHEREAS, regional cooperative efforts may provide efficiencies in the delivery of public services; and

WHEREAS, many local governments and school districts are considering new regional initiatives and have requested information and assistance from State Government; and

**STATE OF MAINE  
OFFICE OF THE SECRETARY OF STATE  
FEBRUARY 5, 2004**

I, **DAN A. GWADOSKY**, Secretary of State, in accordance with the provisions of the proclamation issued by the Governor on January 7, 2004, calling for a Special Election to be held on February 3, 2004, to elect a State Representative in District 18 and having tabulated the return of the votes cast;

**REPORT AS FOLLOWS**; that Stephen Raymond Beaudette of Biddeford, having received a plurality of the votes cast, appears to have been elected a State Representative in the 121st Legislature in District 18:

WHEREAS, legislation relating to the regionalization of municipalities, counties and public schools has been or soon will be introduced; and

WHEREAS, such legislation raises issues that are normally placed before several different joint standing committees of the Legislature; now, therefore, be it

ORDERED, the House concurring, that pursuant to Joint Rule 351 the Joint Select Committee on Regionalization and Community Cooperation, referred to in this order as "the committee," is established. The committee consists of 4 members of the Senate appointed by the President of the Senate and 11 members of the House of Representatives appointed by the Speaker of the House. The first-named Senate and House members shall serve as cochairs of the committee. The committee shall identify barriers as well as incentives to regionalization and shall consider and dispose of any legislation referred to it by the bodies. The committee may submit legislation concerning regionalization to the Legislature.

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

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

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#### COMMUNICATIONS

The Following Communication: (H.C. 312)  
**STATE OF MAINE**  
**121ST MAINE LEGISLATURE**

January 13, 2004  
Honorable Barry Dana  
Chief, Penobscot Nation  
6 River Road  
Indian Island, ME 04468  
Dear Chief Dana:

It is our pleasure to invite you to a Joint Convention of the 121st Legislature on February 10, 2004 at 10:30 a.m. in the Hall of the House of Representatives for the purpose of reporting on the State of the Tribes in Maine.

In addition, we are extending an invitation to Governor Francis and Governor Newall of the Passamaquoddy Tribe, Chief Commander of the Houlton Band of Maliseets and Chief Phillips of the Aroostook Band of Micmacs.

Thank you for your consideration and we look forward to your acceptance of this invitation.

Sincerely,  
S/Beverly C. Daggett  
President of the Senate  
S/Patrick Colwell  
Speaker of the House

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: (H.C. 323)  
**PENOBSCOT INDIAN NATION**  
**OFFICE OF THE CHIEF AND COUNCIL**  
**COMMUNITY BUILDING**  
**INDIAN ISLAND, MAINE 04468**

February 5, 2004  
Honorable Patrick Colwell  
Speaker of the House  
3 State House Station  
Augusta, ME 04333

Dear Speaker Colwell:

I am pleased to accept your invitation to address a Joint Convention of the 121st Maine Legislature on Tuesday, February 10, 2004 at 10:30 a.m. in the House Chamber.

Sincerely,  
S/Chief Barry Dana  
Penobscot Nation

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: (H.C. 317)

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

February 3, 2004

Honorable Beverly C. Daggett, President of the Senate  
Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1666      Resolve, To Require Cost Neutrality and  
Appropriateness of Assisted Living Medication  
Courses

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

Sincerely,  
S/Sen. Michael Brennan  
Senate Chair  
S/Rep. Thomas J. Kane  
House Chair

**READ** and **ORDERED PLACED ON FILE**.

---

At this point, a message came from the Senate, borne by Senator Treat of Kennebec of that Body, proposing a Joint Convention of both Branches to be held in the Hall of the House at 10:30 in the morning for the purpose of extending to the Honorable Barry Dana, Chief of the Penobscot Nation, an invitation to attend the Joint Convention and to make such communication as pleases him.

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Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:30 in the morning and the Speaker appointed Representative RICHARDSON of Brunswick to convey this message to the Senate.

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The Following Communication: (H.C. 318)

**STATE OF MAINE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**  
**COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 3, 2004

Honorable Beverly C. Daggett, President of the Senate  
Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 854 An Act To Amend the Laws Governing the Operation of All-terrain Vehicles  
L.D. 1646 Resolve, To Establish a Demonstration Project To Introduce Grass Carp to Inland Waters  
L.D. 1658 Resolve, Requiring the Department of Inland Fisheries and Wildlife To Publish Legal Shooting Times  
L.D. 1774 Resolve, To Increase the Types of Legal Fishing on Fish River  
L.D. 1796 An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Increase the Number of Moose Permits in High-accident Areas

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

Sincerely,  
S/Sen. Bruce Bryant  
Senate Chair  
S/Rep. Matthew Dunlap  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 319)

**STATE OF MAINE**

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

February 3, 2004

Honorable Beverly C. Daggett, President of the Senate  
Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1678 An Act To Guarantee That Consumers Receive Notification of Insurance Policy Cancellation

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

Sincerely,  
S/Sen. Lloyd P. LaFountain III  
Senate Chair  
S/Rep. Christopher P. O'Neil  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 320)

**STATE OF MAINE**

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

February 3, 2004

Honorable Beverly C. Daggett, President of the Senate  
Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature

State House  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1039 An Act Concerning Passamaquoddy Indian Territory in Washington County  
L.D. 1737 Resolve, Directing the Secretary of State To Review Model Legislation To Prevent Fraudulent Filings under the Uniform Commercial Code  
L.D. 1781 An Act To Amend the Laws Governing Mechanics' Liens

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

Sincerely,  
S/Sen. Peggy A. Pendleton  
Senate Chair  
S/Rep. William S. Norbert  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 321)

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

February 5, 2004

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

Dear Clerk MacFarland:

Pursuant to my authority under Rule 371 of the Joint Rules, I hereby appoint Representative Harold A. Clough of Scarborough to serve as a member of the Government Oversight Committee, the committee having oversight responsibility for the Office of Program Evaluation and Government Evaluation. Representative Clough is serving in the place of Representative Stanley A. Moody of Manchester.

Please feel free to contact me if you have any questions regarding this appointment.

Sincerely,  
S/Patrick Colwell  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 322)

**MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333  
COMMISSION TO IMPROVE COMMUNITY SAFETY  
AND SEX OFFENDER ACCOUNTABILITY**

February 5, 2004

The Honorable Beverly C. Daggett, President  
Maine State Senate  
The Honorable Patrick Colwell, Speaker  
Maine House of Representatives  
State House  
Augusta, Maine 04333  
Dear President Daggett and Speaker Colwell:

This letter is to inform you that the Commission to Improve Community Safety and Sex Offender Accountability has completed its work and submitted its report, pursuant to Resolve 2003, chapter 75.

Sincerely,

S/Senator Pamela Henderson Hatch, Senate Chair

S/Representative Sean F. Faircloth, House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 451)

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

February 5, 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 Agriculture, Conservation and Forestry, the nomination of George McHale of Orrington, for appointment to the State Harness Racing Commission.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

Bill "An Act To Amend the Apportionment of Legislative House Districts 76 and 77"

(H.P. 1374) (L.D. 1848)

Sponsored by Representative DUNLAP of Old Town.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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**Pursuant to Resolve**

**Commission to Improve Community Safety and Sex Offender Accountability**

Representative FAIRCLOTH for the **Commission to Improve Community Safety and Sex Offender Accountability** pursuant to Resolve 2003, chapter 75, section 8 and chapter 101, section 3 asks leave to report that the accompanying Bill "An Act To Implement the Recommendations of the Commission To

Improve Community Safety and Sex Offender Accountability Regarding Public Notification by Law Enforcement"

(H.P. 1373) (L.D. 1847)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Public Utilities Commission**

Representative BLISS for the **Public Utilities Commission** 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 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

(H.P. 1372) (L.D. 1846)

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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Subsequently, Representative RICHARDSON of Brunswick reported that he had delivered the message with which he was charged.

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

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission"

(H.P. 181) (L.D. 222)

Signed:

Senators:

HALL of Lincoln

YOUNGBLOOD of Penobscot

Representatives:

FLETCHER of Winslow

LUNDEEN of Mars Hill

MOODY of Manchester

BERRY of Belmont

BLISS of South Portland

RICHARDSON of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-670)** on same Bill.

Signed:

Representatives:

RINES of Wiscasset

ADAMS of Portland

GOODWIN of Pembroke

CRESSEY of Baldwin  
READ.

Representative BLISS of South Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

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**CONSENT CALENDAR**  
**First Day**

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

(H.P. 1273) (L.D. 1751) Bill "An Act To Create Consistency between State and Federal Telephone Consumer Protection Laws" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 1349) (L.D. 1825) Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2005" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 134) (L.D. 175) Bill "An Act to Ensure Parity Among Mental Health Professionals Under Medicaid" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-675)**

(H.P. 1230) (L.D. 1652) Bill "An Act Regarding the Number of Jurors Required To Render a Verdict in a Civil Trial" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-673)**

(H.P. 1272) (L.D. 1750) Bill "An Act To Improve the Ability of Water Utilities To Maintain a Contingency Allowance" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-676)**

(H.P. 1290) (L.D. 1768) Bill "An Act To Authorize Certain School Children To Carry Asthma Inhalers on Their Persons" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-674)**

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

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**CONSENT CALENDAR**  
**Second Day**

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

(H.P. 1231) (L.D. 1656) Bill "An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2005" (EMERGENCY) (C. "A" H-665)

(H.P. 1299) (L.D. 1777) Bill "An Act To Authorize the Commissioner of Administrative and Financial Services To Execute Easements" (C. "A" H-668)

(H.P. 1305) (L.D. 1783) Bill "An Act To Clarify Prequalification Criteria for Public Improvements" (C. "A" H-666)

(H.P. 1306) (L.D. 1784) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Property in Fayette, Maine (C. "A" H-667)

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

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

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**BILLS IN THE SECOND READING**  
**House**

Resolve, Directing the Department of Labor and the Department of Behavioral and Developmental Services, Office of Substance Abuse To Study the Prevalence of Drug and Substance Abuse

(H.P. 1314) (L.D. 1792)

**House as Amended**

Bill "An Act To Streamline the Time-share Rate Collection Process for Sanitary Districts"

(H.P. 1235) (L.D. 1659)

(C. "A" H-669)

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

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**ENACTORS**  
**Acts**

An Act To Increase the Sale of Lottery Tickets To Benefit Conservation and Wildlife

(H.P. 441) (L.D. 578)

(C. "A" H-635)

An Act To Promote the Production and Use of Fuels Derived from Agricultural and Forest Products

(H.P. 1089) (L.D. 1492)

(C. "A" H-641)

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.

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

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**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, February 5, 2004, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Joint Study Order, Requiring the Joint Standing Committee on Judiciary To Study and Report on Court-imposed Administrative Fees

(S.P. 651)

- In Senate, **REFERRED** to the Committee on **JUDICIARY**.

**TABLED** - January 8, 2004 (Till Later Today) by Representative **NORBERT** of Portland.

**PENDING - REFERENCE IN CONCURRENCE.**

On motion of Representative **NORBERT** of Portland, the Joint Study Order and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

Subsequently, Representative DUPLESSIE reported that the necessary oath had been taken by Representative BEAUDETTE to qualify him to enter upon his official duties.

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At this point, the Speaker announced that Representative BEAUDETTE of Biddeford would be assigned seat 118.

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At this point, the Senate came and a Joint Convention was formed.

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**In Convention**

The President of the Senate, the Honorable Beverly C. Daggett, in the Chair.

The Convention was called to order by the Chairman.

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On motion by Senator Treat of Kennebec, it was ORDERED, that a message be sent to Chief Barry Dana of the Penobscot Nation inviting him to attend the Joint Convention of the Legislature now assembled in the Hall of the House for the purpose of reporting on the State of the Tribes in Maine and extending to him an invitation to attend and speak to the State of the Tribes.

The Order was Read and Passed.

The Chair will appoint the following:

The Sen. from Androscoggin, Sen. Rotundo

The Sen. from York, Sen. LaFountain

The Sen. from Cumberland, Sen. Gilman

The Rep. from Cape Elizabeth, Rep. McLaughlin

The Rep. from Kossuth Township, Rep. Bunker

The Rep. from Gorham, Rep. Barstow

The Rep. from Madison, Rep. Ketterer

The Rep. from Portland, Rep. Suslovic

The Rep. from Greenbush, Rep. Peavey-Haskell

The Rep. from Ellsworth, Rep. Crosthwaite

The Rep. from Rockport, Rep. Bowen

The Rep. from Berwick, Rep. Stone

The Rep. from Union, Rep. Sukeforth

Subsequently, Senator Rotundo of Androscoggin, for the Committee, reported that the Committee had delivered the message with which we were charged and are pleased to report that Chief Dana will attend forthwith.

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The Chair is pleased to welcome to the Joint Convention Chief Barry Dana of the Penobscot Nation.

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The Chair is pleased to welcome Chief Barry Dana to the podium to address the Joint Convention.

Chief Dana then addressed the Convention.

Chief **DANA**: Governor, Mrs. President, President Pro Tem, Mr. Speaker, Madame Chief Justice, Members of the Legislature, House and Senate, Tribes and the people of Maine. Woliwoni. Thank you for this distinguished opportunity to address Maine's leadership and lawmakers. Niya Dunawubskewi Sagama. I am the Penobscot Nation Chief; I represent a tribe whose government has been ongoing here in this region for thousands of years. I am proud of this fact, proud that we have endured many hardships and can still stand tall. We are the Penobscot Nation, protectors of the land, air, water, and our precious

culture. It is our traditional way to be considerate of all future generations as we make our day-to-day decisions.

It is our traditional custom to take only what we need and leave our camp better than it was when we arrived. We view the land as our mother because from the land we draw life. The rivers and streams are her veins. We view all animals that walk, fly, swim and crawl, all the plants, rocks, and trees as our relatives. Katahdin is our sacred mountain, the resting place of our ancestors. When we say mesi dal na be mak (all my relations), we acknowledge that we are connected to all life on Mother Earth and pledge to protect her.

When I stood here two years ago I sensed that there were many in this State who were perhaps unfamiliar with the tribes and our issues. I hope things have changed since then I believe Mainers now know that tribes are here, that we contribute to our surrounding communities and that we have similarities and differences. I believe that tribal sovereignty is no longer a phrase to be feared, but a concept to be better understood. I believe Mainers are now aware of our quest to be self-reliant and self-governmg. November's referendum may not have resulted in a victory but there were things we did achieve. As a nation with integrity we educated this state as to who we are. That campaign took me throughout Maine, from Fort Kent and St. Agatha to Kittery. In my attempt to educate Mainers about tribal sovereignty and economic self-reliance, I too became educated. I listened to thousands of people speak of their challenges. Mainers are proud and hard workers and they need jobs. I learned first hand that two Maine's do exist, that people are leaving Maine for jobs. I spoke with a farmer in the County who said if the tribes want to get into the gambling business, that we should start growing potatoes; this sentiment was shared by many. I was pleased that I made many friends along the way and I also learned that there does exist a considerable amount of support for the tribes. Since then, I have received hundreds of calls, letters, faxes and e-mails of sympathetic support. I still feel more compelled than ever to create economic opportunities for Natives and non-Natives alike with adequate salaries and benefits, and dignity for workers.

The Penobscot Nation has many successes and many successes yet to be achieved. We are committed to protecting our elders, building a future for our youth, and meeting the needs of today's family. Despite all that we have accomplished there are still many unmet needs. My administration and our tribal council is determined not to rest until every member of the Penobscot Nation has adequate housing, health care, and meaningful employment. We are also determined to preserve our heritage and culture.

While in office I have focused on the strengthening of our tribal youth programming. We combined our recreation program with the forces of the Waterville Area Boys and Girls Club organization forming our own Penobscot Nation Boys and Girls Club. With generous donations from the Libra Foundation and local supporters plus grant writing and fund raisers like our recent Polar Bear Dip, which raised \$3,000 dollars we are now sponsoring a gymnastics program, a canoe club and racing program, a new state of the art computer technology center, arts and crafts, help with homework, and recreational activities. We also have a food program serving up to 600 meals per month. All of this is possible due to the wonderful support of donors, volunteers, and a dedicated staff. All of these programs and meals are free to the nearly 100 participants per day that utilize our facility. Our future goals are to create an endowment and to construct a new state of the arts facility for future



Penobscot Youth. Carla cannot be here today, but we have an employee there who has dedicated her life to this effort and is doing a wonderful job.

Along with lands in Western Maine and Central Maine, the Penobscot Nation territory includes the Penobscot River with over 200 islands. Our connection to the river transcends laws, regulations, and governments. The river and all of its life are central to our heritage and identity. I am very pleased that this philosophy is being shared by Maine, the federal government, as well as many N.G.O.'s are sharing this philosophy in our combined efforts to restore salmon runs to all reaches of the Penobscot watershed. By removing two dams and establishing a by-pass around another dam, the Atlantic salmon will one-day return to Maine. The Penobscot River Restoration Project is the best chance in our lifetime of achieving this worthy goal. The Penobscot Nation is also chairing the mid-Atlantic and North East Visibility Union, which is comprised of state and tribal governments who are working together to monitor haze, visibility and other related air quality problems. These two projects represent governments working collaboratively to protect our environment. I don't see John Banks, but John Banks, as many of you know, is a mover in this field. He, too, will not rest until our environment is secure and safe.

To meet our housing needs our dedicated housing staff has worked tirelessly on building and improving homes for tribal members, even at sub 0° temperatures. From replacing old furnaces and roofs to even tearing down and rebuilding a home for an elder, our Housing Improvement Program has serviced over 30 Penobscot homes this past year.

Because tribal members also live off the reservation, we were able to double NAHASDA funding to the Penobscot Nation to help meet housing needs for Penobscots living in Penobscot County. We are pleased to announce that this spring we will break ground on a six-bedroom assisted living unit for our elders who reside here on the reservation. Sadly, we have lost elders who did not received medical attention at home, which is why it is important to create an assisted living unit for our elders. This unit will staff personnel assigned to providing care to our elders. We will construct such an additional unit in 2005. I am very pleased to have a very dedicated good looking and smart person working for the tribe. He is of the tribe and he has made this a reality for the our nation. Craig Sanborn please stand and take notice.

The Penobscot Nation has taken the lead in creating Four Directions, a lending institution or CDFI (Community Development Financial Institution). Four Directions raises funds and provides low interest loans to tribal members for housing and small business assistance. Prior to Four Directions, only five tribal members dating as far back as 1980 have received mortgages on the reservation. With Four Directions up and running, 12 such loans have been granted in the past nine months. Working very hard on the Board of Directors on this effort is our own Donna Loring. We are currently working to establish a Penobscot Nation Credit Union to further maximize our spending and re-investing in ourselves. We live here, we work here, and we want re-invest our money here.

I am proud to announce the creation of the Penobscot Nation Cultural and Historic Preservation Department whose goals are to revitalize, preserve, and promote the traditions of our tribe. This new department hopes to identify all existing resources, and identify strategies for preservation. Ongoing activities include Penobscot language revitalization and instruction. Six of our native youth have worked with native speakers and a professional linguist in order to create instructional curriculum. These youth are now students who will soon be native speakers. Other workers are interviewing tribal elders and producing our

own historical and cultural publications. They are also developing a web site. Our future goals is to construct a state of the art cultural center which will serve as a federally licensed repository so that we can house and display our own artifacts currently housed in museums all over New England. The center will also serve as a heritage tourism/educational center for visitors who wish to learn about Penobscots, highlighting such cultural revivals as our birch bark canoes, and basket making. Since our Director is also a licensed archaeologist, we are able to research and document traditional and historic sites along the Penobscot River and list them as potential National Register areas. We are very pleased and very fortunate to having working in this department a tribal member dedicated to this preservation. Could we recognize Bonnie Newsome please.

Our plans are big, but our resources and staff are limited. We plan to dedicate 5 percent of all tribal revenue to cultural education and the Penobscot Nation is proud to announce that 126 tribal members are currently enrolled in Associate, Bachelor and Graduate Degree programs. One hundred four students are attending Maine College and 22 are attending out of state colleges.

Back when I was young, if you were sick or injured and only if it was serious we traveled to Old Town or Bangor. Today we have a highly professionally staffed clinic on the reservation. During 2003, the Penobscot Nation Health Department provided over 25,000 medical, dental, laboratory and pharmacy on-site services. This was 7.2 percent increase over 2002 but the budget increase for 2003 was only 2 percent. Indian Health Services spends almost \$2000 per capita, which is the Nation's lowest, compared to Medicare's close to \$6000 per person and federal prison inmates who receive \$4000 per inmate. With this budget shortfall we cover less than 50 percent of our tribes medical needs. This is considered a rational health care leaving many medical needs unmet such as back surgery, knee and hip replacements. Our Department of Human Services provides general assistance, burial and disaster assistance, protective services for our Native children through the Indian Child Welfare Act. Other services include senior meals, day care, and a home energy assistance program. We are especially proud of our Indian Child Welfare Act Department, which works to keep Indian children with Indian families.

We have a Department of Public Safety located on the reservation. All of our officers are graduates of the Maine Criminal Justice Academy. Our community has 209 homes, 529 residents with an average of 2000 calls per year. To answer the need to discourage drugs on the reservation, we have recently established a Canine Unit. Both canine and handler are trained in canine drug detection and certified through the academy. No sovereign nation can exist without is judicial system.

The Penobscot Nation Tribal Court handles certain criminal offenses as well as civil actions. Criminal matters are strictly defined by the Maine Revised Statutes in accordance with the Maine Implementing Act. Our tribal court also upholds tribal laws, which is created at our annual general meeting held in May. At our last meeting we voted to authorize a tribal elders protective laws designed to ensure protection of abuse and to coordinate all tribal, state and federal agencies relating to investigations and provision of programs designed to best protect and care for our elders.

We have game warden, foresters, air and water technicians, teachers, counselors, roads personnel, water and sewer specialists, fire fighters, artisans, musicians, lawyers, nurses, accountants, engineers, architects, and tribal members in today's

military. We have much to be proud of. We live here, we work here, and we die here in Maine. This was a mere snapshot of the state of the Penobscot Nation. To convey full depth of tribal issues would take days.

But, in closing, because you the leadership of Maine are part of our future and we at times differ in our understandings of sovereignty, I stand committed to working to resolve those differences. All of us, native and non-natives alike are on a shared journey. This journey takes us along paths we walk together and paths we sometimes walk alone. There are times of harmony, smooth trails, and there are times that we help each other over difficult obstacles and times we stand on opposite sides, failing to meet or communicate. All of these trails we travel are part of the bigger path we now call Maine. The first to chart this path, to show us direction was the creator. For thousands of years we shared this path, which included the rivers, streams, lakes, and coastline with only the other native creatures that walked, swam, and flew with us. Later, others came to use our path. More than four centuries ago the people of the Wabanaki welcomed European travelers to Wabanakikok, to the Dawn Land, we now call Maine. More often than not, when our paths crossed, there was conflict. My people watched as the paths became more and more populated with non-natives who seemed to not follow the creator's direction. They walked wherever they wanted and took what they wanted along the way, that was then.

Today hundreds years later, we the Wabanaki alongside the citizens of this state, all share this path called Maine. We must all look to the same creator for guidance, for we have to walk together. We must walk in harmony and have mutual respect for each other.

If we don't walk together in agreement with Mother earth and choose to trample along with no regard for the destruction or waste that is left behind, we put Mother Earth, and ourselves in grave danger, losing our cultural way of life. The Penobscots, MicMacs, Maliseets and Passamaquoddy are the Wabanaki People of the Dawn, know the importance of protecting the environment. This is why we maintain such close ties with our path, with Mother Earth, and with the Creator. It is our way to share this with everyone in Maine, to share our knowledge and respect for creation and its fragile environment.

I foresee a time when we will all walk together, and learn together. There has to be room for all of us on this path. There has to be no shame in asking one another for help for direction when times are unclear. We have so much to offer each other. However, to share one road in harmony, there must be trust and respect for each other. To respect us is to understand us and to recognize one basic truth that the creator bestowed upon us; a right that no man, government, court, or army can ever take away and that is the fact that "**we are sovereign.**" Deeply imbedded in the hearts of every native is the strong belief that has been handed down for countless generations, a belief that guides our way of life. This is evident in our strong efforts to preserve our culture, traditions, our languages, and our struggles to protect our waters and in the daily operations of our tribal governments. Tribal leaders are bound by thousands of years of tradition and we will never turn our backs on these obligations.

I foresee a time when there will be understanding and no more fear, that our sovereignty will be respected, understood and embraced by all who share our homeland with us. I foresee a time when my children will stand tall as tribal leaders addressing the future leaders of Maine as a respected equal sovereigns sharing the same time and place; government to government. My hope is that we achieve this goal now, that you respect our tribal government's right to protect our documents and our river. Let us live and work together on these fronts. Maine and its

people and environment will be stronger if we work together. Instead of fighting each other we should join forces in the battle to protect Maine's air and water from the federal relaxing of environmental protections.

To achieve this goal of mutual respect from government to government, it will take dialogue, face-to-face discussions, negotiations, and at times compromises. By opening these chambers here today, you the leaders of Maine have graciously extended your hand in friendship and respect to the tribal governments with your invitation and presence. You have recognized that we have an important role in this state and deserve to be heard. Let today be a historic moment when each of us here commits to all look to the same creator for direction and learn to walk together on our paths here in Maine. Even when our paths take different route, lets recognize the mutual benefits of each of our journeys and respect each other's unique gifts. Let us commit to ending unnecessary control, manipulation and deception. Let truth and respect be our only plausible options for the preservation of the integrity of all humankind.

On behalf of the Penobscot Nation, the Wabanaki of Maine, the eagle, the dragonfly, and creatures great and small, all waters that flow through each of us and my ancestors. Mesitolmapemak, **All My Relations**. Woliwoni. **Thank you.**

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At the conclusion of the address, Chief Barry Dana, withdrew amid the applause of the Convention, the audience rising.

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The purpose for which the Convention was assembled, having been accomplished, the Chair declared the same dissolved.

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The Senate then retired to its Chamber.

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(After the Joint Convention)

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The House was called to order by the Speaker.

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

**ENACTORS  
Acts**

An Act To Amend the Apportionment of Legislative House Districts 76 and 77

(H.P. 1374) (L.D. 1848)

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.

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

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On motion of Representative LEMOINE of Old Orchard Beach, the House adjourned at 11:16 a.m., until 10:00 a.m., Wednesday, February 11, 2004.