

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

**Volume 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  
SECOND SPECIAL SESSION  
10th Legislative Day  
Wednesday, February 25, 2004

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

Prayer by Reverend Dr. Stephen M. Tolander, Chief of Chaplain Services, Veteran's Hospital, Togus.

Pledge of Allegiance.

Doctor of the day, Lisa Letourneau, M.D., Scarborough.

The Journal of yesterday was read and approved.

---

**SENATE PAPERS**

The following Joint Resolution: (S.P. 710)

**JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO RAISE THE WEIGHT LIMIT ON INTERSTATE 95**

WE, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the Second Special Session, most respectfully present and petition the United States Congress, as follows:

WHEREAS, Interstate 95 in the State of Maine, which is part of the Dwight D. Eisenhower System of Interstate and Defense Highways and is governed by the Federal-Aid Highway Act of 1956, is central to Maine's commerce and industry; and

WHEREAS, the weight limit on the Interstate Highway System is set at 80,000 pounds by the Federal-Aid Highway Act of 1956 and consequently by Maine statute, yet the State of Maine has a 100,000-pound limit on its secondary roads, which does not match the national limit; and

WHEREAS, truck drivers must leave the Interstate Highway System when the weight of their vehicles does not allow them on the highway, and they must take side trips through the small towns and villages of Maine, slowing the truck drivers down and endangering the citizens of our towns and villages; and

WHEREAS, the Federal Government has given the State of Maine an exemption from the 80,000-pound limit for the last 5 miles of the Maine Turnpike and Interstate 95, which allows for a 100,000-pound limit, and this exemption matches the limit for the rest of the State; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the United States Congress allow the State of Maine a 100,000-pound limit on all of the Interstate Highway System in Maine, not only the authorized 5 miles, and that the United States Congress review this request when the Highway Bill comes up for reauthorization; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

Came from the Senate, **READ** and **REFERRED** to the Committee on **TRANSPORTATION**.

**READ** and **REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

---

**COMMUNICATIONS**

The Following Communication: (H.C. 329)

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

February 17, 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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1645 An Act Regarding Golf Carts Used as Island Vehicles

L.D. 1799 An Act to Ensure Access to Real Property by Owners

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

Sincerely,

S/Sen. Pamela H. Hatch

Senate Chair

S/Rep. Ronald E. Usher

House Chair

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

---

The Following Communication: (H.C. 330)

**STATE OF MAINE**

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

February 17, 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. 1665 An Act To Require Owners and Operators of Snowmobiles and All-terrain Vehicles To Carry Liability Insurance

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.**

---

The Following Communication: (S.P. 711)

**STATE OF MAINE**

**121ST MAINE LEGISLATURE**

February 19, 2004

Sen. Ethan Strimling

Senate Chair, Joint Standing Committee on

Criminal Justice and Public Safety

Rep. Patricia A. Blanchette

House Chair, Joint Standing Committee on

Criminal Justice and Public Safety

121st Legislature

Augusta, ME 04333

Dear Senator Strimling and Representative Blanchette:

Please be advised that pursuant to Title 25 M.R.S.A. §1501, Public Safety Commissioner Michael Cantara, on the advice and consent of Governor John E. Baldacci, has nominated Major Craig Poulin of Gardiner for appointment as Chief of the Maine State Police.

This nomination will require review by the Joint Standing Committee on Criminal Justice and Public Safety and confirmation by the Senate.

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

Came from the Senate, **READ** and **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

**READ** and **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Authorize a General Fund Bond Issue in the Amount of \$65,000,000 To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and Farmland Preservation; To Fund Capital Improvements to State Parks and Other Historic Public Areas; and To Access \$30,250,000 in Matching Contributions from Public and Private Sources"

(H.P. 1395) (L.D. 1878)

Sponsored by Representative RICHARDSON of Brunswick. (GOVERNOR'S BILL)

Cosponsored by Senator TREAT of Kennebec and Representatives: Speaker COLWELL of Gardiner, DUPLESSIE of Westbrook, McKEE of Wayne, PINGREE of North Haven, SMITH of Monmouth, WATSON of Bath, Senators: SAWYER of Penobscot, TURNER of Cumberland.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent for concurrence.

Resolve, To Provide for the Reorganization of the Student Loan Repayment and Forgiveness Programs To Better Meet the Needs of Maine Employers and the Maine Economy

(H.P. 1394) (L.D. 1871)

Sponsored by Representative FISCHER of Presque Isle.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: CUMMINGS of Portland, MILLS of Cornville, MURPHY of Kennebunk, SULLIVAN of Biddeford, THOMAS of Orono, Senators: CATHCART of Penobscot, HALL of Lincoln, MITCHELL of Penobscot.

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

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Prohibit the Sale of Gasoline Containing MTBE"

(H.P. 1390) (L.D. 1870)

Sponsored by Representative RINES of Wiscasset.

Cosponsored by Senator HALL of Lincoln and Representatives: BERRY of Belmont, BLISS of South Portland, CLOUGH of Scarborough, FLETCHER of Winslow, GROSE of Woolwich, HUTTON of Bowdoinham, McLAUGHLIN of Cape Elizabeth, PERRY of Bangor.

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

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

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

Sent for concurrence.

**Pursuant to Statute**

**Department of Education, State Board of Education**

Representative CUMMINGS for the **Department of Education, State Board of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education, State Board of Education (EMERGENCY)

(H.P. 1393) (L.D. 1869)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

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

Sent for concurrence.

**Pursuant to Statute**

**Department of Human Services**

Representative KANE for the **Department of Human Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

(H.P. 1391) (L.D. 1867)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

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

Sent for concurrence.

**Pursuant to Statute**

**Commission on Governmental Ethics and Election Practices**

Representative CLARK for the **Commission on Governmental Ethics and Election Practices** 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 1: Procedures and Portions of Chapter 3: Maine Clean Election Act and Related Provisions, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1392) (L.D. 1868)

Be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and printed pursuant to Joint Rule 218.

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

Sent for concurrence.

---

### SPECIAL SENTIMENT CALENDAR

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

#### In Memory of:

Thomas T. Downey, of Vienna, Legal Proofreader in the Office of the Revisor of Statutes of the Legislature. Tom, who was recently named the first president of the Maine State Association of Legislative Employees, was an accomplished and inspirational teacher, writer and editor. He held a bachelor's degree in philosophy and history from the University of Southern Maine and attended the graduate program for religious study at Temple University, where he was the Russell Conway Scholar. Tom was an openhearted, loyal and beloved friend of many, known for his compassion, wit and sense of humor. His coworkers in the Office of the Revisor of Statutes deeply feel the loss of Tom's professional skills, his wise advice and his spirit of playful camaraderie. We acknowledge his dedicated service to his community, to his profession and to the State of Maine. He will be sadly missed and fondly remembered by his loving wife, Colleen, and their children, his loving parents and sisters, his extended family, his colleagues and his many friends;

(HLS 1120)

Presented by Representative PINEAU of Jay.

Cosponsored by Senator TREAT of Kennebec, Representative MOODY of Manchester, Senator WOODCOCK of Franklin, Senator BRENNAN of Cumberland.

On **OBJECTION** of Representative PINEAU of Jay, was **REMOVED** from the Special Sentiment Calendar.

#### READ.

The **SPEAKER**: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative **PINEAU**: Mr. Speaker, Ladies and Gentlemen of the House. Tom Downey was one of my constituents, but he was also one of your workers. Tom worked in the Revisor's Office downstairs. He was one of those hidden people that get our work done for us. I want to take this moment just to think of Tom and appreciate all of the work that all our people do for us. Thank you Mr. Speaker.

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

---

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

---

### CONSENT CALENDAR

#### First Day

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

(S.P. 606) (L.D. 1655) Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-390)**

(H.P. 1301) (L.D. 1779) Bill "An Act Concerning the Boundary Line of the Town of Unity" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 1219) (L.D. 1642) Bill "An Act To Provide an Exemption to the Laws Governing Patient Confidentiality Regarding Certain Former Patients of the Augusta Mental Health Institute" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-719)**

(H.P. 1254) (L.D. 1732) Bill "An Act To Honor Maine's First Peoples" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-717)**

(H.P. 1261) (L.D. 1739) Bill "An Act To Clarify the Requirements of the Behavioral Treatment Review Team for Persons with Mental Retardation or Autism" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-720)**

(H.P. 1263) (L.D. 1741) Bill "An Act To Amend the Information Disclosure Requirements of Some Competitive Electricity Providers" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-718)**

(H.P. 1304) (L.D. 1782) Bill "An Act To Provide Residents of the United States with Timber Harvesting Jobs on Land Managed by the Department of Conservation, Bureau of Parks and Lands" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-714)**

(H.P. 1325) (L.D. 1803) Bill "An Act Requiring Blood Testing of All Drivers Involved in Fatal Accidents" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-712)**

(H.P. 1344) (L.D. 1821) Bill "An Act To Increase the Amount of Restitution Allowed for State and Municipal Fire Service" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-713)**

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

---

### CONSENT CALENDAR

#### Second Day

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

(S.P. 629) (L.D. 1697) Bill "An Act To Clarify Certain Provisions Contained in the Recodified Hunting, Fishing and Trapping Laws" (C. "A" S-388)

(S.P. 630) (L.D. 1698) Bill "An Act To Join the Interstate Insurance Product Regulation Compact" (C. "A" S-389)

(S.P. 636) (L.D. 1704) Bill "An Act To Amend the Maine Turnpike Authority's Budget for Calendar Year 2004" (C. "A" S-387)

(H.P. 1361) (L.D. 1837) Bill "An Act Relating to the Consideration of the Cumulative Effects on Protected Natural Resources"

(H.P. 1258) (L.D. 1736) Bill "An Act To Authorize Licensure by Endorsement for Canadian Dentists and Dental Hygienists" (C. "A" H-708)

(H.P. 1282) (L.D. 1760) Bill "An Act To Amend the Random Drug Testing Laws" (C. "A" H-711)

(H.P. 1284) (L.D. 1762) Bill "An Act To Amend the Maine Emergency Medical Services Act of 1982" (C. "A" H-709)

(H.P. 1336) (L.D. 1814) Bill "An Act Concerning Disability Retirement Benefits under the Maine State Retirement System" (C. "A" H-710)

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

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

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

Bill "An Act to Expand Funding and Services to Students of Limited Proficiency in English"

(H.P. 149) (L.D. 190)  
(C. "A" H-701)

Bill "An Act To Provide for Fair Treatment of Taxpayers"

(H.P. 1291) (L.D. 1769)  
(C. "A" H-699)

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

**ENACTORS**

**Emergency Measure**

An Act To Authorize the Town of Verona To Change Its Name  
(S.P. 604) (L.D. 1653)  
(C. "A" S-381)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

**Acts**

An Act Regarding Habitual Truants  
(H.P. 800) (L.D. 1082)  
(H. "A" H-678 to C. "A" H-634)

An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails  
(S.P. 390) (L.D. 1186)  
(H. "A" H-697 to S. "A" S-380)

An Act To Clarify the Law Pertaining to the Discharge of a Firearm near a Dwelling  
(H.P. 1236) (L.D. 1660)  
(C. "A" H-679)

An Act To Expand the State Fire Marshal's Responsibilities and To Clarify That the Commissioner of Public Safety Will Follow the Maine Administrative Procedure Act when Adopting Certain Rules  
(H.P. 1253) (L.D. 1731)  
(C. "A" H-681)

An Act To Amend the Laws Regarding Humane Agents and Kennel Licenses  
(H.P. 1264) (L.D. 1742)  
(C. "A" H-680)

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

**Resolves**

Resolve, Regarding the Condition and Operation of the Little River Dam

(H.P. 132) (L.D. 173)  
(C. "A" H-677)

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

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

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

**COMMUNICATIONS**

The Following Communication: (H.C. 332)

**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**2 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0002**

February 18, 2004  
Speaker of the House Patrick Colwell  
2 State House Station  
Augusta, ME 04333

Dear Speaker Colwell:

I ask you to accept this letter as my official resignation from the Joint Select Committee on Regionalization and Community Cooperation.

I present my resignation in order to enhance the geographic diversity of the committee. The credibility of the report depends on the diversity of the voices of the committee membership.

Sincerely,  
S/Glenn Cummings  
State Representative

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.P. 1397)

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

February 24, 2004  
Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Joint Order, S.P. 689, I am pleased to appoint Representative Lillian LaFontaine O'Brien of Lewiston to serve as a member of the Joint Select Committee on Regionalization and Community Cooperation. Representative O'Brien will be filling the position vacated by Representative Glenn Cummings of Portland.

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.**

Sent for concurrence.

---

**COMMUNICATIONS**

The Following Communication: (H.C. 331)

**121ST LEGISLATURE**

**SENATE OF MAINE**

**OFFICE OF THE PRESIDENT**

**3 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333-0003**

February 24, 2004

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Joint Rule 371, I have appointed the following individuals to serve on the *Government Oversight Committee*.

Senator Kenneth Gagnon of Kennebec, Chair

Senator Beverly Daggett of Kennebec

Senator Sharon Treat of Kennebec

Senator Betty Lou Mitchell of Penobscot

Senator Kenneth Lemont of York

Senator David Carpenter of York

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Beverly C. Daggett

President of the Senate

**READ and ORDERED PLACED ON FILE.**

---

**SENATE PAPERS**

The following Joint Order: (S.P. 680)

**ORDERED**, the House concurring, that the Joint Standing Committee on Education and Cultural Affairs report out, to the Senate, a bill regarding the continued provision of free and appropriate public education for eligible children of kindergarten age.

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

**READ.**

On motion of Representative CUMMINGS of Portland, **TABLED** pending **PASSAGE** and later today assigned.

---

On motion of Representative PINEAU of Jay, the House adjourned at 11:08 a.m., until 10:00 a.m., Thursday, February 26, 2004 in honor and lasting tribute to Thomas T. Downey, of Vienna and Wayne Latham Jackson, of East Baldwin.