

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
SECOND SPECIAL SESSION
13th Legislative Day
Wednesday, March 3, 2004

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

Prayer by Chaplain Andrew Gibson, Chaplain for 52nd Troop Command and Family Support Officer, Maine Army National Guard, Bangor and Augusta.

National Anthem by South Bristol School Handbell Choir.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 339)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

February 25, 2004

The Honorable Beverly C. Daggett

President of the Senate

The Honorable Patrick Colwell

Speaker of the House of Representatives

121st Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the Capitol Planning Commission under the State Government Evaluation Act. In its review, the committee found that the Commission is operating within its statutory authority.

Sincerely,

S/Senator Peggy Rotundo

Chair

S/Representative Janet McLaughlin

Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 340)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

February 25, 2004

The Honorable Beverly C. Daggett

President of the Senate

The Honorable Patrick Colwell

Speaker of the House of Representatives

121st Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the Department of Administrative and Financial Services under the State Government Evaluation Act. In its review, the committee found that the Department is operating within its statutory authority.

Sincerely,

S/Senator Peggy Rotundo

Chair

S/Representative Janet McLaughlin

Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 341)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

February 25, 2004

The Honorable Beverly C. Daggett

President of the Senate

The Honorable Patrick Colwell

Speaker of the House of Representatives

121st Legislature

State House

Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the Department of the Secretary of State (Bureau of Corporations, Elections & Commissions and Maine State Archives) under the State Government Evaluation Act. In its review, the committee found that the Department is operating within its statutory authority.

Sincerely,

S/Senator Peggy Rotundo

Chair

S/Representative Janet McLaughlin

Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.P. 739)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 2, 2004

The Honorable Beverly C. Daggett

President of the Maine Senate

3 State House Station

Augusta, ME 04333-0003

Dear President Daggett:

We are writing to inform you that the Joint Standing Committee on Agriculture, Conservation and Forestry was unable to complete its consideration of the following nomination within the statutory period as required by 3 MRSA, section 157.

Nominated January 30, 2004: James Tracy of Farmingdale for reappointment to the State Harness Racing Commission

Sincerely,

S/Bruce S. Bryant

Senate Chair

S/Linda Rogers McKee

House Chair

Came from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Public Law and Resolve Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners

Representative GROSE for the **Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners** pursuant to Public Law 2003, chapter 451, Part K, section 2 and Resolve 2003, chapter 101, section 3 asks leave to report that the accompanying Bill "An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners" (EMERGENCY)

(H.P. 1409) (L.D. 1903)

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

The **SPEAKER**: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. I rise briefly to speak on this just to put it on the record. I received a phone call from a constituent Sunday and this was a relative of a sexual assault attempted murder victim. Knowing that I had been a victim of violent crime, she asked me to speak on this bill.

I have been unable to get this bill until this morning. This is a 30-page bill. How can I affectively prepare a testimony to support victims of violent crimes when I get the bill the day it is being heard? Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I guess respectfully to reply to the good Representative Andrews that had she desired a report, a copy of this report, it would have been made available to her. The committee will be working this bill today. We are proposing to bring it out of committee on Friday. I do invite the good Representative to come to the public hearing today and to let her input be known. This committee and this commission went overboard in their deliberations and their taking acceptance of statements from members of the public. I agree with the good Representative completely that this is a long and lengthy report that I sat down and took two hours to go through last night from beginning to end.

I do believe that if the good Representative would like to have more time to submit some comments, when we work this bill hopefully on Friday, any and all comments that she wants to give us in regards to this bill will be taken into consideration by the whole committee before we make any recommendations. Thank you.

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.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Statutes and Resolve

Representative McKEE for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Implement the Recommendations of the Joint Standing

Committee on Agriculture, Conservation and Forestry Relating to the Review of Agencies under the State Government Evaluation Act"

(H.P. 1408) (L.D. 1902)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, chapter 35, section 955, subsection 4 and Resolve 2003, chapter 101, section 3.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

The Bill was assigned for **SECOND READING** Thursday, March 4, 2004.

Divided Report

Ten Members of the Committee on **TAXATION** report in Report "A" **Ought Not to Pass** on Bill "An Act To Improve the Business Equipment Tax Reimbursement Program"

(S.P. 316) (L.D. 975)

Signed:

Senators:

STANLEY of Penobscot

NASS of York

Representatives:

LEMOINE of Old Orchard Beach

McGOWAN of Pittsfield

McCORMICK of West Gardiner

PERRY of Bangor

CLOUGH of Scarborough

COURTNEY of Sanford

LERMAN of Augusta

TARDY of Newport

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (S-361)** on same Bill.

Signed:

Senator:

STRIMLING of Cumberland

Representative:

SIMPSON of Auburn

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-362)** on same Bill.

Signed:

Representative:

SUSLOVIC of Portland

Came from the Senate with Report "A" **OUGHT NOT TO PASS READ** and **ACCEPTED**.

READ.

On motion of Representative LEMOINE of Old Orchard Beach, Report "A" **Ought Not to Pass** Report was **ACCEPTED** in concurrence. **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

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

(H.P. 1276) (L.D. 1754) Bill "An Act To Permit Background Checks on Prospective Adoptive Parents" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-728)**

There being no objections, the above item was 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. 675) (L.D. 1832) Bill "An Act To Maintain the Current Statutes Regarding Unlawful Solicitation To Benefit Law Enforcement Agencies" (EMERGENCY)

(S.P. 220) (L.D. 611) Bill "An Act To Obtain Substance Abuse Services for Minors" (C. "A" S-400)

(S.P. 362) (L.D. 1090) Resolve, To Promote Recruitment and Retention of Direct Care Workers in Long-term Care in Maine (C. "A" S-402)

(S.P. 641) (L.D. 1709) Bill "An Act To Clarify Financial Management Procedures at the Maine Developmental Disabilities Council" (EMERGENCY) (C. "A" S-401)

(H.P. 1359) (L.D. 1834) Resolve, Regarding Legislative Review of Chapter 25.20: Protected Resources, a Major Substantive Rule of the Department of Marine Resources (EMERGENCY)

(H.P. 1285) (L.D. 1763) Bill "An Act To Promote Responsible Pet Ownership" (C. "A" H-727)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **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
Senate as Amended**

Bill "An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State"

(S.P. 235) (L.D. 671)
(C. "A" S-399)

Bill "An Act To Implement the Recommendations of the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals"

(S.P. 667) (L.D. 1819)
(C. "A" S-396)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence. **ORDERED SENT FORTHWITH**.

**ENACTORS
Acts**

An Act To Increase the Adult Education State Subsidy
(H.P. 153) (L.D. 194)
(C. "A" H-702)

An Act To Support the Regional Library System
(H.P. 222) (L.D. 279)
(C. "A" H-703)

An Act To Amend Certain Laws Relating to Environmental Protection
(S.P. 606) (L.D. 1655)
(C. "A" S-390)

An Act To Revise the Frequency of Home Health Licensing Surveys

(H.P. 1294) (L.D. 1772)

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, to Fund Scholarships to the Seeds of Peace Camp
(H.P. 55) (L.D. 47)
(C. "A" H-704)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in a Certain Parcel of Real Estate Located in the City of Auburn

(H.P. 1329) (L.D. 1807)
(C. "A" H-700)

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

An Act To Clarify Certain Provisions Contained in the Recodified Hunting, Fishing and Trapping Laws

(S.P. 629) (L.D. 1697)
(C. "A" S-388)

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

On motion of Representative DUNLAP of Old Town, was **SET ASIDE**.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-388)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-729)** to **Committee Amendment "A" (S-388)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. The purpose of this amendment is to clarify the intent of the Committee on Inland Fisheries and Wildlife in terms of cleaning up the language of possessed versus keep and also makes that clarification rather broad based across all big game species and the intent of this amendment is simply to clarify possession law and not do anything substantively to change it. I would urge its adoption. Thank you Mr. Speaker.

House Amendment "A" (H-729) to **Committee Amendment "A" (S-388)** was **ADOPTED**.

Committee Amendment "A" (S-388) as Amended by **House Amendment "A" (H-729)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-388)** as Amended by **House Amendment "A" (H-729)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

SENATE PAPERS

Resolve, To Increase Eligibility for Consumer-directed Personal Care Assistance Services To Promote Independence for Maine Citizens (EMERGENCY)

(S.P. 748) (L.D. 1904)

Came from the Senate, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** in concurrence.

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

On motion of Representative SHIELDS of Auburn, the House adjourned at 11:05 a.m., until 10:00 a.m., Thursday, March 4, 2004 in honor and lasting tribute to Dr. Helene Reeves, of Auburn.