

MAINE STATE LEGISLATURE

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

Volume I

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ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
FIRST REGULAR SESSION
38th Legislative Day
Wednesday, May 13, 2009

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

Prayer by The Reverend Jacob Fles, Christ Episcopal Church, Gardiner.

National Anthem by Gorham Middle School Chorus.

Pledge of Allegiance.

Doctor of the day, Challa Reddy, M.D., Guilford.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Resolve, To Implement Certain Recommendations of the Report of the Governor's Task Force on Expanding Access to Oral Health Care for Maine People

(H.P. 438) (L.D. 624)

Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-206)** in the House on May 7, 2009.

Came from the Senate with the Reports **READ** and the Resolve and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

On motion of Representative PERRY of Calais, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act To Allow Noninvasive Testing of Infants for the Presence of Drugs without a Parent's Consent"

(S.P. 214) (L.D. 599)

Minority (3) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on May 7, 2009.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Majority (9) **OUGHT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

Representative PERRY of Calais moved that the House **ADHERE**.

Representative TARDY of Newport moved that the House **RECEDE AND CONCUR**.

On motion of Representative PIOTTI of Unity, **TABLED** pending the motion of Representative TARDY of Newport to **RECEDE AND CONCUR** and later today assigned.

Non-Concurrent Matter

Resolve, Regarding Legislative Approval of the Public Utilities Commission's Plan for the Use of American Recovery and Reinvestment Act of 2009 Funds (EMERGENCY)

(H.P. 1029) (L.D. 1478)

PASSED TO BE ENGROSSED in the House on May 7, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-141)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (S.P. 555)

STATE OF MAINE

124TH MAINE LEGISLATURE

May 8, 2009

Sen. Troy Dale Jackson

Senate Chair, Joint Standing Committee on Labor

Rep. John L. Tuttle

House Chair, Joint Standing Committee on Labor

124th Legislature

Augusta, ME 04333

Dear Senator Jackson and Representative Tuttle:

Please be advised that Governor John E. Baldacci has nominated Daniel Lawson of Monroe for appointment to the Maine Workers' Compensation board.

Pursuant to Title 39-A M.R.S.A. §151 (1), this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell

President of the Senate

S/Hannah M. Pingree

Speaker of the House

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

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

The Following Communication: (S.P. 556)

STATE OF MAINE

124TH MAINE LEGISLATURE

May 11, 2009

Sen. Justin L. Alfond

Senate Chair, Joint Standing Committee on Education and Cultural Affairs

Rep. Patricia B. Sutherland

House Chair, Joint Standing Committee on Education and Cultural Affairs

124th Legislature

Augusta, ME 04333

Dear Senator Alfond and Representative Sutherland:

Please be advised that Governor John E. Baldacci has nominated the following to the State Board of Education:

Jeffrey Vermette of Windham, appointment

Steven Pound of Little Moose Township, , appointment

Lynda Doyle of Durham, , appointment

Nancy Perkins of Cornish, , appointment

James Carignan of Harpswell, , reappointment

Pursuant to Title 20-A M.R.S.A. §401 (1), these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell

President of the Senate

S/Hannah M. Pingree

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

The Following Communication: (S.P. 557)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

May 11, 2009

Sen. Dennis S. Damon

Senate Chair, Joint Standing Committee on Marine Resources

Rep. Leila J. Percy

House Chair, Joint Standing Committee on Marine Resources

124th Legislature

Augusta, ME 04333

Dear Senator Damon and Representative Percy:

Please be advised that Governor John E. Baldacci has nominated the following to the Marine Resources Advisory Council:

James Markos of Blue Hill, appointment

Sean Mahoney of Portland, appointment

Fiona de Koning of Bar Harbor, appointment

Vincent Balzano of Saco, reappointment

Tim Harper of Southwest Harbor, reappointment

Glen Libby of Tenants Harbor, reappointment

Pursuant to Title 12 M.R.S.A. §6024 (1-A), these nominations will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell

President of the Senate

S/Hannah M. Pingree

Speaker of the House

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

READ and **REFERRED** to the Committee on **MARINE RESOURCES** in concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Hal Watson, of Rumford, former wrestling coach of Dirigo High School, on his induction into the Maine Amateur Wrestling Hall of Fame. Mr. Watson, a retired history teacher, started the Cougar wrestling program from scratch more than 3 decades ago with little support and few guarantees. He built the program up by learning and teaching the basics and brought out the best in his student-athletes. Through the years they won state championships and earned respect throughout the region. We extend our congratulations to Hal Watson on his being inducted, and we send him our best wishes;

(HLS 323)

Presented by Representative HARLOW of Portland.

Cosponsored by Senator BRYANT of Oxford, Representative PETERSON of Rumford, Representative BRIGGS of Mexico.

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

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

Recognizing:

the 250th anniversary of the founding of Fort Pownall, the first permanent European settlement on the banks of the Penobscot River. Named after Governor Thomas Pownall, the fort is located at the present-day Fort Point and is part of the Town of Stockton Springs. In 1759, Massachusetts Governor Thomas Pownall sought to block the mouths of Maine's key rivers to keep the French and Indians well inland. Fort Pownall was chosen for its location, as it looks down the eastern channel of the Penobscot Bay with a fine view of the sea. Today, all the towns and villages from Bucksport to Owl's Head can be distinctly seen. Governor Pownall, with the assistance of 400 men, built the fort. While the fort never fired a shot in anger, its protective presence encouraged Anglo-American settlement in the Penobscot region. In 1775, British forces seized the fort's cannons and powder with the permission of the Royalist commander. A regiment of Continentals burned the blockhouse and filled in much of the ditch system to prevent the British from occupying the fort. The fort today is part of Fort Point State Park. We join the communities surrounding the fort in celebrating the 250th anniversary of Fort Pownall and recognize its importance in the history of our State;

(HLS 329)

Presented by Representative MAGNAN of Stockton Springs.

Cosponsored by Senator WESTON of Waldo.

On **OBJECTION** of Representative MAGNAN of Stockton Springs, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Stockton Springs, Representative Magnan.

Representative **MAGNAN**: Thank you, Madam Speaker and honorable Members of the House. I am going to speak very briefly. After the fort was destroyed, it became an American site and, just recently, two local descendants of one of the soldiers at the fort found a little tiny cemetery, not too far from it, with the remains of Joshua Treat and his family. They are direct descendants of this patriarch, who became an officer in the Continental Guard, and we rededicated that cemetery last fall. It was quite moving. After the site was destroyed and abandoned and in the 19th century it became a resort hotel, very beautiful, the Wassaumkeag, which I can't spell and I hope I said right, and that existed quite beautifully into the early 20th century, where the steamboats would come from New York and Boston and deposit people for rustication at the shore. It was quite wonderful, burned to the ground. I'm trying to keep it brief here.

Right now, Stockton Springs is a quiet place. There is no great tourism; there are no splashy spots to visit. Instead, at Fort Point, there's a beautiful, tiny state park with a wharf which you can go out on or bring your boat to and you can get off, a lighthouse, a short walking trail and picnic tables. Of course, there is the lighthouse and it is quite wonderful. All handicap accessible and it's a lovely place to go for a picnic, that and our little, tiny Sandy Point State Beach with its mile long trail, are our big attractions and hardly a tourist attraction at that. But we would like to invite everyone, on July 18th and 19th, to come by to Stockton Springs and enjoy our celebration with us as only tiny towns can. Thank you very much.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Amend the Maine Clean Election Act as It Relates to Independent Expenditures"

(S.P. 222) (L.D. 607)

Signed:

Senators:

SULLIVAN of York
GOODALL of Sagadahoc

Representatives:

CORNELL du HOUX of Brunswick
VALENTINO of Saco
TRINWARD of Waterville
TUTTLE of Sanford
CAREY of Lewiston
RUSSELL of Portland

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn
PINKHAM of Lexington Township
FITTS of Pittsfield
NASS of Acton

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

Representative TRINWARD of Waterville moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative FITTS: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The question that this legislation brings forward is whether or not we recognize that an election begins, in earnest, at or around Labor Day. So the opposite of this motion would be to Accept the Minority Report, which moves the rebuttable presumption period, that period of time when an expenditure for a candidate is assumed to be for the candidate, from 35 days before the election out to Labor Day. That's it. Maine citizens for Clean Elections, in their testimony in front of the committee, were very eloquent. One of the reasons for not supporting this is the potential that independent expenditures could go up. But I want to bring the body's attention to an action that a previous Legislature took, when we moved the rebuttable presumption period from 21 days to 35 days, as it is today. What happened between the 2006 election and the 2008 election was that the total amount of matching funds paid to legislative candidates actually went down, and it went down significantly, from just under \$619,000 in 2006 to just over \$463,000 in 2008, and that's with this change, so to make the argument that this could cost more money is unlikely and nobody can calculate what will happen in the next election. But the reality is, if you want to be honest about how an election works, it starts at Labor Day, and this bill would allow us to recognize that fact. Thank you, Madam Speaker, and I request a roll call.

Representative FITTS of Pittsfield **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Trinward.

Representative TRINWARD: Thank you, Madam Speaker. Although we agree that most people would say that the campaigning does begin in September, the committee took a conservative fiscal approach this time because of the economic conditions that we're facing. The budget, as we all know, is very tight and, if there was a possibility, which the director felt strongly that there would be a possibility, that this would have a fiscal impact on Clean Election funds, we choose to vote Ought Not to Pass and to consider this, again, in a more less austere time, a better economic environment.

On motion of Representative TARDY of Newport, **TABLED** pending the motion of Representative TRINWARD of Waterville to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Repeal the School District Consolidation Laws"

(I.B. 4) (L.D. 977)

Signed:

Senator:

ALFOND of Cumberland

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
CASAVANT of Biddeford
WAGNER of Lewiston
LOVEJOY of Portland
NELSON of Falmouth
RANKIN of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-257)** on same Bill.

Signed:

Senators:

SCHNEIDER of Penobscot
WESTON of Waldo

Representatives:

RICHARDSON of Carmel
McFADDEN of Dennysville
JOHNSON of Greenville

READ.

Representative SUTHERLAND of Chapman moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Join the Interstate Compact on the National Popular Vote"

(H.P. 49) (L.D. 56)

Signed:

Senators:

SULLIVAN of York

GOODALL of Sagadahoc

Representatives:

CORNELL du HOUE of Brunswick

TRINWARD of Waterville

TUTTLE of Sanford

CAREY of Lewiston

RUSSELL of Portland

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn

PINKHAM of Lexington Township

VALENTINO of Saco

FITTS of Pittsfield

NASS of Acton

READ.

Representative TRINWARD of Waterville moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 765) (L.D. 1110) Resolve, Creating a Commission To Study the Issue of Homeless Veterans in the State Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-265)

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. 34) (L.D. 85) Bill "An Act To Simplify and Consolidate Maine's Fishing Laws and Rules" (C. "A" S-128)

(S.P. 108) (L.D. 344) Bill "An Act To Allow Smelting on Certain Brooks on Long Lake in Aroostook County" (C. "A" S-129)

(S.P. 135) (L.D. 393) Bill "An Act Relating to Death Benefits for Certain Law Enforcement Officers" (C. "A" S-132)

(S.P. 267) (L.D. 692) Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Develop Best Management Practices for Poultry Production (C. "A" S-127)

(S.P. 380) (L.D. 1016) Bill "An Act To Amend the Laws Governing Campaign Finance Reports and the Maine Clean Election Act" (C. "A" S-136)

(H.P. 815) (L.D. 1176) Bill "An Act To Revise the Charter of the Portland Water District"

(H.P. 393) (L.D. 555) Bill "An Act To Promote Public Safety Answering Point Efficiency" (C. "A" H-254)

(H.P. 449) (L.D. 635) Bill "An Act To Provide Additional Time to Certain School Administrative Units To Comply with School Administrative Unit Reorganization Laws" (EMERGENCY) (C. "A" H-256)

(H.P. 484) (L.D. 701) Bill "An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan" (C. "A" H-250)

(H.P. 497) (L.D. 714) Bill "An Act To Empower Anglers in Fish Stocking Decisions" (C. "A" H-246)

(H.P. 596) (L.D. 865) Bill "An Act To Change the Maine HIV Advisory Committee" (C. "A" H-243)

(H.P. 608) (L.D. 877) Bill "An Act To Amend the Laws Governing the Reporting of Crimes on the Maine Registry of Certified Nursing Assistants" (C. "A" H-259)

(H.P. 624) (L.D. 906) Bill "An Act To Amend the Rate of Tax on New Manufactured Housing" (C. "A" H-262)

(H.P. 670) (L.D. 968) Bill "An Act Regarding New Utility Line Extension Construction" (C. "A" H-253)

(H.P. 720) (L.D. 1045) Bill "An Act Regarding the Purchase of Fuel for Off-road Use" (C. "A" H-247)

(H.P. 804) (L.D. 1165) Bill "An Act To Improve Children's Safety in Public Swimming Pools" (C. "A" H-261)

(H.P. 814) (L.D. 1175) Bill "An Act To Add Combat Action Badges and Ribbons to the Special Commemorative Decals for Veterans License Plates" (C. "A" H-264)

(H.P. 859) (L.D. 1240) Resolve, To License Wetland Scientists (C. "A" H-249)

(H.P. 882) (L.D. 1263) Bill "An Act To Amend the Laws Concerning Child Abuse and Neglect Councils" (C. "A" H-260)

(H.P. 914) (L.D. 1311) Bill "An Act To Enable Municipal Assistance for Purposes of Protecting or Restoring Public Waters" (C. "A" H-263)

(H.P. 979) (L.D. 1400) Bill "An Act To Designate July 12th as Wyeth Day" (EMERGENCY) (C. "A" H-251)

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.

(S.P. 254) (L.D. 679) Bill "An Act To Allow a Court To Award Attorney's Fees in Successful Freedom of Access Appeals" (C. "A" S-135)

On motion of Representative TARDY of Newport, was **REMOVED** from the Second Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

BILLS IN THE SECOND READING

House as Amended

Bill "An Act To Improve Oral Health Care for Maine's Children"

(H.P. 84) (L.D. 100)

(C. "A" H-255)

Bill "An Act To Increase Snowmobile Registration Fees"

(H.P. 559) (L.D. 823)

(C. "A" H-245)

Bill "An Act To Clarify the Application of the Public Works Minimum Wage Laws"

(H.P. 584) (L.D. 849)

(C. "A" H-241)

Bill "An Act To Require Licensing for Certain Mechanical Trades"

(H.P. 860) (L.D. 1241)

(C. "A" H-248)

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting

(H.P. 176) (L.D. 211)

(C. "A" H-143)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative BEAUDETTE of Biddeford, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-169)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Allow Maine Residents To Purchase Health Insurance from Out-of-state Insurers"

(H.P. 230) (L.D. 290)

TABLED - April 29, 2009 (Till Later Today) by Representative TREAT of Hallowell.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The **SPEAKER**: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, and to the press, I hope, who are listening and will report this, and because it's something that the people of this state really, really want and I think maybe you've heard from them. This is my bill, but it's not my idea. It is my constituents' idea and our constituents' idea, and they've been asking for this for a long time. They want to be allowed to purchase health insurance where it is so much cheaper, so much cheaper, outside of Maine borders; everywhere, it's cheaper. This bill, especially if it were coupled

with real health insurance reform, would turn Maine's economy around, and, we're not talking about just a couple of hundred dollars per family per year, we're talking about thousands. Maine's families, Madam Speaker, are paying thousands more than they need to, thousands more than they're paying in other states and it doesn't have to be that way. Nothing that we could do here would save Maine people, Maine families more money than allowing health insurance reform and allowing them the choice to buy health insurance out of state. We have an overregulated and monopolized health insurance market that has simply become out of reach to the average working family in this state. Maine families and individuals pay a higher percentage of their income for health insurance than anyone else in the country. Maine businesses' budgets are at the breaking point and this is one of the reasons, and it is no secret that a referendum that would have allowed Maine people to purchase health insurance out of state didn't acquire enough signatures. Anthem BlueCross breathed a huge sigh of relief when those signatures didn't add up, the chill of which could be felt in every home and in every business in this state as they requested that 17 percent rate increase, again, as they have done over and over again. One can only imagine how that referendum would have turned out. Just think about that. What do you think the people of the State of Maine, how do you think they would have voted on that referendum if it had made the ballot? I think we all know how that would have gone.

Now I believe, as many others do, that the most obvious thing we could do is change the insurance regulations that got us into this insurance mess in the first place, and there will be other bills brought forward this year to do just that. But the people of this state want choice. Choice is good and this bill allows choice, the choice to buy the policy we want at a price we can afford and not the Cadillac policy mandated by this Legislature and that we as legislators happen to have, and this choice would include of course the option of purchasing health insurance out of state, and it would be one quick way to bring competition back to Maine's monopolized and failing health insurance market, competition that vanished years ago with the mandates of community rating and guaranteed issue, when they were first foisted upon us. In Maine, we have only two companies that sell health insurance to individuals. Of those two, Anthem sells the lion's share. In Massachusetts, for example, there are 21 companies that sell insurance to individuals. Just imagine if Maine people suddenly had the choice of dozens of companies to choose from. Needless to say, in states where there are large numbers of companies competing for your health insurance dollar, premiums are significantly lower.

So why are Maine insurers, the Maine Bureau of Insurance so afraid to allow our people to purchase health insurance out of state and why do they fight so hard to keep the status quo? Well, there are many frightening scenarios why and I handed out a sheet yesterday of what I considered to be red herrings. We'll hear the term "cherry picking," implying that only the healthy will be able to purchase out of state. It simply isn't true. We can create this interstate council with the rules we want, and we could possibly have access to New Hampshire's high-risk pool. Unlike in Maine, health insurance out of state can base their premiums on risk, so they can make a profit whether you're healthy or not. That allows them to insure everybody. The insurers have testified that they would prefer that the Maine Legislature address the regulatory burdens that have ruined Maine's health insurance market, rather than circumventing Maine laws. Well, first of all, no one would be circumventing Maine laws. We make the laws. We would be changing Maine laws to give Maine people what they've been demanding, but, yes, I would like to see the

regulator burdens addressed too, so would my constituents, but we are tired of waiting. We'll hear how this new freedom of choice would destroy the health insurance market in Maine. Considering the deplorable condition of Maine's health insurance industry, considering that Maine people's deductibles are on average seven times higher than the national average, that Maine people pay the highest percentage of their income for health insurance which results in the highest percentage of our population on medical welfare, and that our monoculture health insurance industry is utterly dependent on the wellbeing and private decisions of one company, I ask this body, could we make our insurance industry any worse? I don't think so.

Finally, we'll hear how the Bureau of Insurance will have no regulatory authority. Again, we can create this consortium any way we want, and I ask you again to look at the red herring sheet that I passed out. Here is what the *Sun Journal* said recently about this bill to allow Maine people to purchase health insurance out of state:

There are details to be decided, but the principle is sound: More options, even of varieties only available in this region, could have a cooling effect on premium hikes, at least.

Yes, it will mean more work for regulators. And the expectation shouldn't be that inter-New England sales of policies will reduce the overall costs in Maine.

Rather, if a market force can stop the double-digit premium increases to which Maine has become sadly accustomed, it is worth it.

To those of you who reject this idea still, I want you to tell me what we are supposed to tell our constituents, who have made it clear that they want this. In one recent legislative poll, it was a 95 percent issue—95 percent issue said, yeah, you know what, I want that option; I want that option to be able to purchase health insurance out of state—95 percent. Now we could tell them, well, you don't know what you're talking about, you don't understand the issue. Or maybe we should tell them we're going to give Dirigo another chance, we're going to dump a couple hundred million more into that and that's going to settle, that's going to take care of it. Or that we're going to expand MaineCare, that's been working great. MaineCare has been, we're behind another couple of hundred million dollars in payments, it's breaking the backs of taxpayers and hospitals, and the low reimbursement rates for MaineCare have to be made up by everybody else who is paying for health insurance, which drives the cost of health care and health insurance up. Or should we tell them we just need more regulations? We've got the most regulated health insurance market in the country, and, yet, I see bills coming forward to regulate it even more, even more, even though it has been this regulation that has caused our market to collapse. Or perhaps, should we tell them that we should just wait for the Obama universal coverage plan that we hear so much about? We can give the families and business of this state what they've been asking for and what they want with this bill. We have nothing to lose and we have everything to gain. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I was thinking about this bill last night, I was trying to get to sleep but, unfortunately, you know how it is: You're working late and legislation starts going through your mind like those automatic screens you see with the latest tickertape news there, and this bill kept flashing: out of state insurance coming up tomorrow. I was trying to think what does this make me think of, what's a good analogy, and I hope you don't take this the wrong way but it

seemed to me it's a little bit like when you're a kid and you're looking at that cotton candy; it looks pretty good, it's about this big, it's fluffy, and you bite into it and there is sort of nothing there, and that's kind of what this is. It's a feel good policy, you want it to work because, indeed, we do have a health care problem in this state and in the entire country, and we also have an insurance problem. It's incredibly difficult to afford individual health insurance in this state, but to conclude that is not to conclude that this is the answer to our problems.

It's very rare that you have a hearing where the health insurance companies, the advocates for consumers, such as Consumers for Affordable Health Care, and the insurance regulators all show up to oppose a bill. Yet, they did in this case, and they did for very similar reasons. They essentially said that this is actually going to make our health insurance marketplace worse, and I'll go into some reasons for that. One individual, who represents insurance agents, Dan Bernier, who is often giving us very concrete suggestions about how we could be changing our policies in Maine, said as follows, and I took pretty extensive notes. He said no one would actually sell this policy, and he testified neither for nor against but I thought that was fairly telling commentary because we should not be passing things that don't actually provide any solutions to people. Another neither for nor against testimony came from Jean Hasch. She is the executive director of something called MIGA, I'm not going to remember the exact name of what that is, but essentially it is the entity that comes in if a company goes bottom up, there are all of these policies out there and you want to make sure that somebody can pay those policies off. So there's this nonprofit entity called MIGA—Maine Insurance Guarantee Association, something like that—and she said, well there's no way that we can bail out people who would be caught up in having purchased this policy from out of state, we're not going to cover them and, unless those states change their laws, they're not going to cover you either if you buy this policy and the company goes bottom up. Now maybe three or four years ago we wouldn't be talking about companies going bottom up, we wouldn't be thinking about AIG, the biggest insurance company in the world going bottom up, but today this is a prospect that is all too real, so I think that's significant. Now that's just one example and it's not even a regulation, that's a protection for consumers that frankly I didn't even know about until I started serving on this committee this year and we had a couple of bills dealing with this Maine Insurance Guarantee Association, and then I learned more than I wanted to, but I learned that that's something that is out there, it's a good thing, and it's one of those protections that would no longer exist for anyone that chose to buy these out of state policies.

Now the sponsor of the bill has done a good job on this. He's passionate about it; I know he cares about health care; I served a number of years with the good Representative from Newcastle, Representative McKane. But on this, I think and I am looking at his red herrings, I think there's a few red herrings here and I need to talk about them. I know you are now on the Marine Resources Committee, so I appreciate the connection there, but let's just talk about some of these things because, again, I wish it were true, I wish it were because, if it were this simple to solve our health care problems, we should do it in a nanosecond. Well, first of all, there are protections that we have in our laws, and some of them are just as simple as if you pay your premium and you submit a claim, it should be paid in a certain period of time, or it should be paid. Well that's the kind of concern that you might have, even if you bought a stripped-down policy in another state and you knew going in it didn't cover half of the things that it might cover, so it didn't cover cancer, let's say, but you knew you weren't going to

get cancer in advance, so you bought that policy because you knew for sure you weren't going to get cancer. Then there was something you did get, it did cover heart attacks, let's say, but the claim wasn't paid. I can't tell you, last year, I had three claims, just routine kinds of diagnostic tests and things like that, that were ordered by my doctors, three claims that were like not paid for three different reasons, and it turned out the reasons were wrong. They were things like your doctor didn't authorize this in advance, when they had. One of the reasons was, oh, we didn't really realize you were on that policy; we thought you were on some other policy, not the state employee one. These are the kinds of things that happen on a routine basis. They are the kinds of complaints that people submit to the Bureau of Insurance to have them deal with. I don't know who you go to if this bill passes. It's very unlikely that the superintendent of insurance in Connecticut is going to be caring very much about Maine people that, for whatever reason, bought this policy. The superintendent isn't getting any fees from these companies to pay the cost of any regulation here in Maine, that's how they're funded. Even without just the most basic provisions of this legislation would cost over \$200,000 a year, just to figure out how to get started on doing it, \$200,000 we don't have. It would that it were so, but it isn't. The idea that we're going to benefit from some other state's high-risk pool, that's a discussion for another day: Are we going to adopt a high-risk pool in Maine? We had one once, it went down the tubes because of lack of funding; we've been offered the opportunity to do it again. If we're going to do it, we're going to do it here in Maine. But the idea that some other high-risk pool, which is basically a way of subsidizing the insurance rates in some other state, is going to want to give the benefits of that subsidy to someone in Maine who did not help pay for the subsidy, some of these subsidies are coming out of the General Fund, let's reverse it. Here we're facing a half billion dollar budget shortfall at this very moment. Are we going to be willing to take Maine subsidy dollars and say, well, let's help out those people in New Hampshire? I don't think so. I think it's actually unlikely that from an actuarial point of view, from an insurance law point of view, that it would even be, in any way, appropriate from a fiduciary duty point of view that your helping out these people over here that aren't in your state that aren't buying into and helping pay for essentially that policy, in terms of the high-risk pool.

People do pay too much for insurance. We have a hearing going on right now on that issue. It's true that some of the cost is insurance mandates. We've had bills to repeal those mandates and the people in this room, or their predecessors, have refused to go along with those repeals. They must have had their reasons. If we want to make changes, then we need to make them here and we can debate those changes one by one as we go through. But these policies in other states, they are regulated differently, they include different things. We have something called guaranteed issue which is, if you want to buy a policy, if you have enough money, to pay it, they can't say no to you. That's not the case in a lot of these other states. Well, what does that mean? That means that someone, if we did this policy, if someone in Maine said well I want to go buy that policy in some other state that didn't have guaranteed issue, if they had a health problem then that company could say—and I would submit to you would say—sorry but we don't want to insure you because we want to have more people that are healthy that we don't have to pay out claims on and we already know that you have health problems, so why on earth would we put you in our pool and have to pay out more claims; thank you very much, but you can stay in Maine. So the people they would say yes to would be someone who has had no health problems that anyone knows

about, a younger person perhaps, and that's the person that they'd say hey sign on the dotted line, we want your money, help us pay all of those other claims that we have from people in Connecticut. So what does that do? Well, I'm no big fan of the insurance companies. I have my beefs with them and we'll get to bills that I have about looking at what they're doing, but they actually are right in this case to say that what it will do is leave in Maine only the people that have the health problems and everybody else will go outside the state where, theoretically, they can get cheaper insurance.

The final point that I'm going to make at this point is that the whole premise of this, and let's use the State of New Hampshire, is that rates are so much cheaper in these other states so obviously they are doing something right, and secondly, let's sort of glom on to whatever they're doing so we can get the benefit of it. Well one of the things that was submitted to our committee on this and other issues was information from a recent report, January 2009, New Hampshire's Healthcare Dashboard 2008. It's a public policy study done by the New Hampshire Center for Public Policy Studies. As far as I know, it's not like a right wing or left wing or middle wing kind of organization. They did a study of what the costs of New Hampshire insurance are compared to other states. So here's New Hampshire's health care expense, as a percent of gross state product, 13.5, okay? That's their cost of health care, and health care costs are a big driver of insurance costs by the way, okay? Dollars per in patient day: \$1,714; family health insurance premium: \$12,686—these are the averages—single health insurance: \$4,622. Okay, let's go to the big bad State of Maine. Cost indicators: 19.4 percent. So right there we're already 6 percentage points higher in terms of the cost of providing care; this is the actual services, not the insurance. Cost per in patient: \$1,627, is actually less than New Hampshire which was \$1,714. Family health insurance premium: \$12,363, it's actually \$300 less than the insurance premium in New Hampshire. And single health insurance, which is where we have the big problem, the big prices, Maine is \$4,663; New Hampshire \$4,622, slightly higher. It's easy to make decisions based on anecdote and those anecdotes are true, as far as they go, that there was this person that got this great health policy that had a great premium. But when you look at the big picture and you add all those people together and you look at whether it's really true for everybody, based on sort of more science-based analysis, sometimes what you think was true turns out to be not so true. So, again, I think the motives are good here, it's to provide health for people, but this is not the answer and I urge you to vote with me with the Ought Not to Pass motion currently pending. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I almost forgot what I was going to say. The bottom line is I came up here Monday and I met with Trish Riley and asked her if she knew what Anthem was doing out in California and a couple of other states. She said about what? Anthem is now cancelling health insurance policies retroactively, in California and some other states. I understand that this was brought up at the Democratic caucus last night. One woman was half way through her treatments in cancer and they cancelled her insurance, retroactively, so that she didn't have the insurance to proceed with her cancer problems, but she owed \$30,000 which she already received. Another woman stood up, got a pain in the back, and went to the doctor and the doctor said it was nothing but a pulled muscle, but then Anthem preceded to cancel her insurance because she didn't put down on her application that

she had back problems. So if that's happening in the State of California and a couple of other states by Anthem, the people that live in that state, this won't happen in Maine because we're overregulated, of course, so we don't have to worry about it happening in Maine. But if we bought health insurance out of the state, who's going to protect the people then if you're paying premiums and you get treated for cancer and they cancel you and your insurance company is out of the state? So I hope that was very brief, but buying it out of state I don't think is going to solve this problem. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. You know, when we come here, one of the things you quickly realize is that, within these walls, within this building, it's almost like a perfect storm. Things are whirling around, information is being thrown around, you absorb them, you learn them and, for all of us here, we understand, we've heard in the last few years about the difference and the health care and the goods and the bads. But when you walk outside this building and the sun is still shining and the birds are still singing, the people that are home and are there don't understand that. All they know is they can't afford health insurance. What this bill does is allow them an opportunity to purchase it somewhere else in a different manner. It doesn't mean there is going to be a whole herd of people running to their internet connections to look it up, but it does mean it will give the people an option, another chance. Over and over again we've heard them ask us. Thousands of people signed a petition that asked if they could get another way of purchasing health care than the way that's in place right now, and each time we go back home and we shrug our shoulders and said well, you know we're trying to do the best for you, but you know what? These people want to make their own choices. They want to be able to purchase. They want to be able to look to see if they can get something for less money and at least get some insurance. I live 20 minutes from the next state's border and in that 20 minute drive; I can cut my health care costs in half. People don't understand why that can't happen to them. They go on the internet all of the time and they look at competing measures for different insurance, car insurances or for a different better rate from the bank if they want to do their mortgages. They do understand they can go on the internet and look those things up, but don't understand why they don't have the opportunity to look for a less costly health insurance. This bill gives them that. Give the people a chance to make their decisions, if they want to do it. They're responsible and they're accountable to their actions. Give them the opportunity and that's what this bill does, and I am asking you to vote down the Majority Ought Not to Pass and go with the next one. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Most of the facts, correct or incorrect, have been covered. However, on behalf of the people of Maine who cannot afford health insurance, especially in the northern parts of Maine, and yet are too proud to go on Medicaid and MaineCare, there are many of them; I'm asking you, my fellow Representatives, to give this program a chance to work. If it doesn't work, by all means, abandon it. What I have noticed the last two or three years is that the people who are in position to make a difference in the health insurance area, I've noticed that their health insurance is paid for, either by industry or government. They have no incentive to make a change. Their belly is full, so to speak. I ask you to at least give

this program a chance. If it doesn't work, by all means, abandon it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. I just wanted to present some information, really about what the cost of health insurance is driven by. We have done a cost drivers study and the McKinsey Report has also shown that the cost of health insurance is directly related to cost of health care. Unfortunately, Maine has the second highest cost of health care in the nation. Even an out of state company will look at what the cost of health care is in the state they're covering, and I think we need to be aware of that correlation.

The SPEAKER: The Chair recognizes the Representative from Alna, Representative Fossel.

Representative **FOSSEL**: Thank you very much, Madam Speaker. Members of the House. I think if we follow Representative Treat's argument, we don't have to worry too much about people going across the border because there's absolutely no reason to and, if you're in this House, you don't have to worry at all about your health insurance because you have some of the finest health insurance in the State of Maine. But remember, we're leading from the rear on this. It's the people in front of us, who are paying taxes for our health insurance and who are voting for us, that don't have these benefits. They have less and less as the recession rate goes up, and they go on the individual market and find they cannot afford any kind of insurance at all. We're dealing with people who the three causes of bankruptcy, two of them are, first of all, being unemployed and, second, health care costs, and there is nothing out there for them. People can't afford this. What we're here for is to solve problems and I understand fully that this is not the best of all possible solutions, but we have an existing problem now and we've provided no solutions at all for it, and we're facing, we have one individual carrier in the state and their loss ratio, this is a geek figure, their loss ratio on individual policies is 90 percent. They have the absolute ability to pull out and they're losing money. What are we going to do as a body if they decide to enhance their profitability and pull out? How are we going to cover the people of the State of Maine? We have a responsibility here that we're simply not meeting and I find that sad. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Warren, Representative Richardson.

Representative **RICHARDSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. One of the things I've noticed in being in this House for the last several years is the emails I get on health care, whether it's in September when we're running for election, in August or whatever time it is, health care is a serious issue and people continue to drop their coverage due to expense. We have a situation; I'll just go over this very quickly. In my coffee shop, one of the gentlemen comes in and told me, Wes, I've got the health insurance situation solved. I cancelled my policy, I go to the hospital emergency room, I pay my \$5 a month, I've got 100 visits ahead of me before we're equal, and that's what's happening because people are dropping their insurance and increasing the costs on the rest of us. I hope that we understand that.

The last point that I really want to make is that we talked about the various companies that will be serving us in New Hampshire. In Maine, we're served basically in the uninsured market by Anthem, and we all talk about their parent company, WellPoint. Believe it or not, WellPoint in fact does have a company in New Hampshire that would be just as sound, as far as making our insurance available, as we are here in Maine.

Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative Weaver.

Representative **WEAVER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'll be brief, but Madam Speaker, I'm only in my second term but I do remember the rule about when you address the body, I speak to you and I will follow that procedure. I want to thank Representative McKane for the time and effort he put in to get this bill to us today. I could have spoken no better on the issue, but I'd like to give examples of three insurances that we do buy out of state. We buy auto, home and life. I've never had any problem collecting on any charges and they're always there on the phone when I call, I've never had a problem. It's working in some areas, so why can't it work in health insurance? Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I just want to rise and give a little bit of information about how I made my decision. It's already been said earlier that other states that provide and have insurance policies don't have guaranteed issue, guaranteed renewal laws. Just to be clear of what that means, a young healthy person, such as myself, can go find an awesome policy that's probably perfect. But should I ever get sick, which I most likely will, should I get cancer, should I have diabetes, should I start having heart attacks when I'm 40, they can deny me and I'm back in the Maine market and stuck on my own.

Some other people, who are on the opposite side of this motion, have talked about conversations with constituents. I think most people on the Insurance Committee got some emails from different people around the state after they made their decision. I tried to contact all of those people by phone. I explained to a number of them my position over the phone and said that I'm not for allowing insurance companies to cherry pick people based on their health status. All the people I spoke with on the phone agreed with me and said that the bill was probably a bad idea.

Lastly, I just want to say that nobody disagrees that we have a health care crisis in our state. But I would say that, just because our right arm is bleeding, we should not chop off our left arm. So I would urge you all to vote for the Majority Ought to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm not an insurance expert and I don't have the knowledge that a couple of my fellow Representatives have just produced here, but I am somewhat of a consumer. In my 60 years, I've learned how to consume things, purchase things and compare. It kind of intrigues me that we're having this discussion and this debate about this important issue. We say, all across this country and in this state, how important it is that we have affordable health care. I have it for my family, my constituents need to have it, and yet we're having this debate about an opportunity that presents us with the chance to get affordable health care at maybe half the price. Consider if we were talking about having only one automobile company in this state to sell us automobiles. Or, even worse than that, consider if you only had one grocery store chain to sell us groceries. Can you imagine the price we'd be paying? I know a bit of what that's like. In my community, I only have one chain and there is a difference. We have an opportunity here, I think, to step forward and provide some

affordable health care insurance for all of our constituents. I think we're being held hostage presently. We've tried other solutions in the past and we have that option, as one of the former speakers said, that if it doesn't work we can always go back. But this is an opportunity we have to do something for the majority of the people in this state that are telling us that they want this option. I don't know how we can ignore that. The majority of the people in this state are telling us they want this option, and that's what we're here for. They even have the option to decide who makes their laws: one side of the aisle or the other. So why don't we give them this opportunity to purchase health care outside of the state. I think we need to give this a lot of consideration and make sure we represent those people who sent us here. I'm going to support the Minority. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Pilon.

Representative **PILON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Consumers in Maine can go to New Hampshire or Vermont or Massachusetts and buy cars, they can open bank accounts. Why can't they go to those states and buy health insurance? We can go to New Hampshire and open up an IRA. What can't we go there and buy health insurance? I believe it's restraint of trade. I think that what we're trying to do is close in Maine and prohibit consumers from buying health insurance. There are approximately 47,000 in the individual market that are buying health insurance from basically two carriers: Anthem and MEGA Life. Anthem has most of the individual market. For a family of four, Anthem is charging, with a \$5,000 or \$7,000—\$7,000 is the average deductible—anywhere from \$6,000 to \$24,000 a year. There is also approximately 130,000 to 140,000 people uninsured in the State of Maine in the individual market. I believe that people should have the ability to go across state lines and buy contracts in the individual market. What's the worst that can happen? They can go buy cars, it's buyer beware. Let them go across state lines. We owe it to our constituents to the ability to buy products across the lines. It would only put pressure on policymakers to ratchet it up and get a contract or policies or a program here in Maine to compete with the other carriers.

Now my colleague, the Chair of the Insurance Committee, had indicated that it's cherry picking. However, in New Hampshire, they do have a high-risk pool, but what has happened in New Hampshire is, because they have a high-risk pool, they have been able to bring new carriers into the marketplace, so our consumers can go to New Hampshire and buy contracts or policies from those individual companies in New Hampshire and that's what would have happened if we were able to write or institute a high-risk pool in the State of Maine. It would allow new carriers to come back in to the State of Maine and people would have choices other than what we have today. We have no choices. We basically have one carrier, they have a captive audience and they are able to charge whatever they like. In light of the recession we're in, more and more people are losing their jobs, they're losing their ability to buy insurance so they're going on COBRA. They're not able to pay for COBRA so they're going without insurance. More than ever, we owe the consumers, our Mainers, the ability to buy insurance where they can afford it. So I am supporting the Ought to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Beaudoin.

Representative **BEAUDOIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I fully understand that people are without health insurance, but also, thinking seriously, if you go out of state, if something happens to you, who are you going to contact and who's going to work for to

get what is needed. You pay your insurance, that's fine. As long as you don't get sick, I guess it's okay. But if you do get very sick, you can't just pick up the phone and call and think that somebody's going to be there to help you out. That scares me a lot. That's why I believe that in this state that we ought to stay here and get our insurance. Like I said, I fully understand that people are having a hard time, but I don't believe that going out of state is the best thing either. Thank you.

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

Representative **HILL**: Thank you, Madam Speaker. May I pose a question through the Chair?

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

Representative **HILL**: Thank you, Madam Speaker. I have a question for whoever could help me out here and it is twofold. One, how many people in Maine are insured with health insurance, and, two, how many people in Maine do not have health insurance? Either way will give me the right numbers.

The **SPEAKER**: The Representative from York, Representative Hill has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Madam Speaker. Maine has the fifth lowest number of uninsured in the country, at least as of the last time that the information was available. So Maine has done a fairly decent job in taking care of people who have difficulty getting that insured.

If I might say a few more words, it's interesting that the discussion here is about people going to other states, particularly New Hampshire, and buying health insurance. That's great for those who can get health insurance in New Hampshire; however, there are a lot of people who cannot get health insurance in New Hampshire and those people will stay in Maine, and they will stay with our pools and they will have more and more costs associated with them, and they will have difficulty getting any kind of insurance unless they're subsidized by the state. So this proposal is great for those who are healthy and can get insurance somewhere else, but it's not so good for those who are sick and need health insurance. Maine is a family. Maine is a family and we try to take care of not only the healthy but also the sick. This proposal, as is, takes care of the healthy. I think that we need to take care of everybody. Are there other ways of doing it? Of course; I've got a single payor idea but that's not before us at this point. This, however, will make things worse, not better, and I urge you not to adopt it.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am a shopper, a professional consumer, and I take pride in my bargains, as many of my seatmates will know, and I like to have a choice. This is about having a choice. If you're concerned about your policy and whether you're going to be taken care of, fine. Stay in Maine, you have that choice; we're not taking that away from anybody. But if you want another choice, let it be opened up outside of the state. We buy life insurance out of state, we buy homeowner's out of state, we buy auto insurance out of state. Think of all of things that we purchase outside the state lines, and I feel the need to be vocal because I, too, have heard from my constituents on this very issue and, if I stay here and didn't say anything, I wouldn't feel right about it. This is definitely a passionate issue with all of us and I don't think anyone in this House has the answer, the perfect answer, there isn't one. But right now we are holding our constituents across the State of Maine hostage, because we're not giving them a choice.

Insurance costs are more than mortgages and people are dropping their insurance left and right. This isn't acceptable. We can't continue with the current system in place. Representative Ayotte is so right: We can't afford not to try this. If we solve this problem, our health care costs will go down, but if we stay on the current road we're going to be right where we are now and it's not acceptable, so please, I ask everybody in their chairs to open up your minds, open up your hearts and please follow my vote thank you. Thank you.

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

Representative **MORRISON**: Thank you, Madam Speaker and good morning Members of the House. If nothing else, between these two conversations on either side, you take away, you take away this one particular piece and that is who are you going to go to when things go wrong with your policy? Who are you going to turn to? If you buy a policy here in Maine, you can turn to the Bureau of Insurance, and we have a phenomenal Bureau of Insurance who can do that for you. But if you don't and you buy insurance outside of the state, you never know what you're to get and you never know who you can speak to directly and you may not have the coverage that you thought you bought in the beginning. So with all those statistics and everything you've heard on the floor today, take away this one piece: Who is going to be there for you when things go wrong with your policy if you buy it outside of the state? Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative **SAVIELLO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I, too, find this conversation quite interesting and I am no way an expert on insurance. I do know about eating cotton candy and I do like it. Let me just tell you about a real comparison. As I went through one of these things, I began to listen last year to the 23 year old person like my son compared to me as a 50 year old, fat, out-of-shape man, and began to understand why perhaps some things don't work. However, I have a family at home that actually wants a choice. The lady in charge—obviously, it's the wife of the house—made a phone call to New Hampshire and shared this information with me. First of all, she had a choice—a choice—of a number of insurance companies that could write health care, and comparing the exact same policy with the State of Maine, it was \$300 to \$400 less, if she could have purchased it from New Hampshire. Now she's an informed consumer. She certainly can ask the questions that need to be asked, but it seems to me we should be able to allow her to make that choice. It can make a difference. Is it a fix? I don't think so; I think we have a lot of other things we have to do, but it's a start, and I think putting between \$3,000 to \$4,000 in our citizens' pockets is a good idea. Perhaps more people will get covered and that's why I'll be voting against this motion. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from New Gloucester, Representative Van Wie.

Representative **VAN WIE**: Thank you, Madam Speaker. While I agree that choice is an excellent idea, my concern comes down to one thing: cherry picking. The out of state companies will take the best and the healthiest, leaving the sickest and the most expensive here, resulting in higher costs for us and higher costs for the taxpayers in Maine. A few people will benefit, but the cost will be borne by others. Thanks very much, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Belfast, Representative Giles.

Representative **GILES**: Thank you, Madam Speaker.

Madam Speaker, Ladies and Gentlemen of the House. I want to share with you two stories from self-employed people in my district who have families. The first one is a father who is married, they have three children. He did some research on health insurance costs in Maine and he also compared it to New Hampshire, and what he concluded was that he could move his family to New Hampshire, buy a home, pay their real estate taxes, their house insurance, their mortgage payment and their monthly health insurance there for about the same cost of what its costing him to insure his family for just their health insurance in Maine. A second constituent of mine, who is a lifelong friend of mine, who is a single parent, has one daughter; she's self-employed, very successful at what she does. But she came to me recently and she said, Jayne, my health insurance premium is now over \$1,000 a month for just the two of us. She says this is not affordable health insurance, and she says we have high deductibles to go with it. She said, please help me, help others, because this is truly a crisis in our state.

We've been talking a lot about companies out of state and whether or not they'll service us or not. Keep in mind that these insurance companies also do business in these other states. Also keep in mind that there are laws within our states and other states to protect us. I think we need to think outside the box and to think outside of our borders and to give people the opportunity, if they so choose, to purchase health insurance for a more affordable place than where we are here, and I encourage people to support the Ought to Pass on this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Denmark, Representative Sarty.

Representative **SARTY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'd like to explain one example that I have personally. A good friend of mine recently moved from Maine to the State of Kentucky. When we called his insurance company, which was the same company that has been discussed here as a primary carrier in Maine, his concern what the impact on his rates. Describing where he was living in Kentucky, they said well that's no problem, we also insure in Kentucky. He said, well what's the impact? The only impact was the change of address, plus a 17 percent reduction in his health care costs. So it isn't just the competition for out of state companies that we're concerned with, it's the creation of competition among those providers that are currently offering insurance in the State of Maine. This is a good, healthy decision to make, and it's about time the Maine State Legislature dealt with this issue. People are waiting. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Madam Speaker. I apologize for rising a second time on this, but it's a very important issue. Ladies and Gentlemen of the House, I feel I have to respond to some of the things that have been said and I'll go through them as quickly as I can. To the Representative from New Gloucester and from South Portland and several of the others that are very worried about cherry picking and consumer protections, and also to the Representative from Brunswick, who spoke about our very low uninsured rate. Well, first of all, the low uninsured rate is simply because we have the highest percentage of our population on Medicaid in the country. We've got 275,000 people on state health insurance. That is why we have the low uninsured rate, plain and simple. Cherry picking? We can prevent cherry picking. We can set this system up any way we want it, and you would almost think that there's this huge mob of uninsured people in these states. No, it's the same level of people on private insurance as there is in Maine. They're not denying them. The reason they're not is that they've got so much

competition over there in the other states and they can charge what they want for the risk, so it doesn't matter if you're a low risk or a high risk. If you're a low risk, you get a really, really low rate, which doesn't happen in Maine. If you're a low risk in Maine, you get a really, really high rate. So they're going to make money which is what insurance companies do, they're going to make a profit, whether it's a low risk or a high risk.

A couple of other things: The good Representative from Calais, Representative Perry, said that the reason health insurance cost is so high is that our health care costs are high. You know, there's no question that they're tied together, but our health care costs did not go up 17 percent last year and our Anthem rates did, and the year before that health care rates did not go up that fast. It is tied to the cost of health care, but the reason our health insurance rates are so high is because our insurance pool is getting more and more concentrated into sicker, sicker people. It's adverse selection, it's a health insurance death spiral, we are in it and we do nothing about it, and I hear about how we're going to have the debate on some of the issues such as a high-risk pool and other market changes, oh we're going to have those debates. We've had them. We've had them and we vote them down, not me, but this body and this Legislature votes down health insurance reform time after time after time, and boy you know it's not that hard to do, I guess, for some of us, when considering we've got the best health insurance available, we don't have to worry about it. I wonder if we all had to purchase our own health insurance, for us and our families, how we would vote on this? If we would go for the insurance that is half the price in New Hampshire or if we would say, no, I think we'll stay here and buy this expensive stuff.

I just want to add something about the rates. We heard some horror stories about how the rates are just the same over in New Hampshire. A few weeks ago, I passed out a sheet on yellow paper comparing rates with Maine and New Hampshire and North Dakota. I received that information directly from Anthem BlueCross and from Dan Bernier, who was quoted by the good Representative from Hallowell as one of the speakers in neither for nor against this bill. This is a reputable law firm and the quotes that were given show that a healthy person in Maine is paying double what a bad risk or unhealthy person in New Hampshire is paying, and the same in North Dakota. The reason he used New Hampshire and North Dakota is because New Hampshire is right next door and North Dakota is similar in population and area, demographics. We pay double, a healthy person in Maine, what an unhealthy person pays in the out of state. What's wrong with this picture? There's something very wrong with this. It's clear the status quo does not want this bill. Having that high-risk pool discussion for another day, we can see it coming, I just hope that you support market reform legislation when it does come through. If we added market reform legislation to this bill, along with perhaps some MaineCare/Medicaid reform, which we're going to be forced to do anyway, we'd turn this economy around, we'd put so much money into the pockets of our constituents. They'd have more money for all of those other things that they want to do: for sending their kids to school, for buying clothes, for buying a better house, for buying a better car. Do you realize how much money these people put into health insurance? More than anyone else in the country as a percentage of our income, and we can do something about it right now. Thank you, Madam Speaker. I request a roll call.

Representative McKANE of Newcastle **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Legg.

Representative **LEGG**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is a very complicated issue and I don't want to be redundant about what's been said today, but I can tell you I came from a state to Maine which has the lowest insured rate in the country. Millions of people are uninsured and, why, because the underwriting is left up to the insurance companies. You will have no protection whatsoever if you buy an out of state policy; they can rescind your policy, they can turn you down. If you get turned down once by an insurance company that's like putting a tail on you for the rest of your life, it's never going to go away, you're not going to be able to get insurance except coming back to Maine. Meanwhile, for those who are left in Maine who can't get this underwritten insurance by the insurance companies, those rates are going to go up considerably. There is no question about that. You heard about the rescission case in California. If you have headaches, they can turn you down. If you get anything that's chronic, and we know younger people are starting to get those diseases, plus medical progress is being able to diagnosis diseases much earlier than they could, if you get any kind of condition, you're not going to be able to get health insurance if it's underwritten by the insurance companies. That's a fact, and that's why Maine is at the top of the heap in this country and Texas is at the bottom. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I just wanted to say that a lot of you know I promote wellness and prevention and all and I've been singularly unsuccessful, I must say, with that, in the committees to which I've brought that suggestion, but I'm going to be supporting the Ought Not to Pass Report because I'm still hopeful that we can accomplish more in Maine than we have so far. I sympathize with the idea of wanting to have choice. I think it's really a big deal for us all to be able to have choice in many respects, but what worries me is that I'm making that choice, what we already have here in Maine. I'd like to just say that to assume that insurance companies, because they charge a lower price, have a better product is kind of wrong, because their only reason for being is to have as high a profit as they can and as low a cost. They're not a public service agency, they're not a charity. On the other hand, I'd hope we would also continue to look to what prevention and wellness can do to lower the costs in our current system in Maine so that people who have the ability to improve on their health are encouraged to, and thereby lower the rates that we have here.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise for a second time, something I've never done before, but I find the words caveat emptor coming to my mind. Let the buyer beware. Think about when you buy an extended warranty on a television or a car. Do you have to do that or are you given a choice? You're given a choice and you, the consumer, suffer the consequences. All we're asking for is to have a choice. People in Maine can stay in Maine and buy insurance in Maine. If they want to be loyal to those Maine companies, so be it, that's great, but let the rest of us choose to go out of state if we want to. We're denying our constituents that right to choose and that is wrong of us. Please do not support this motion on the floor and

follow my light. Thank you.

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

Representative **RUSSELL**: Thank you, Madam Chair. Madam Chair, Ladies and Gentlemen of the House. I rise unexpectedly today, but Representative Prescott brought something up that was really impressive to me, and she was talking about caveat emptor and the idea that buyers should beware. Well, I also had a policy outside of the State of Maine when I was living in Philadelphia, and we sat down and I read through the policy, cover to cover, which apparently I was the only one in my group that had done that and I'm talking about group insurance specifically, but we had a sales rep come into work and explain the process and how the insurance works for our group. She went through and she said you get this and you get that, and then after a certain point of time we pay 80 percent, that you will pay 100 percent of the costs at this point and 80 percent of the costs after xyz amount, and I can't tell you right now what the amount was. But I said to the representative in front of the group, is that 80 percent straight across the board or is that 80 percent U and C, and she looked at me confused. This was the sales representative, representing the policy of a health insurance plan, and she said I don't know what you mean. I said, Well, U and C means usual and customary in the insurance industry. Are you planning to pay 80 percent of the costs, which is what you just said, or are you planning to pay 80 percent of the usual and customary? Not only did she not represent the policy correctly, she did it by accident. She was there to educate my coworkers on how the policy worked and she didn't understand the policy to begin with, so I would suggest that we need to be very cautious. Had I not read the policy, had I not understood the difference between 100 or 80 percent of costs, depending on where you were in the spectrum of how much you had used and understood the difference between the direct percentage of cost and the direct percent of U and C, no one in my office would ever have been the wiser. They would have gone; they would have gotten into trouble. Had they contracted cancer, for instance, which Maine is the number one state in the country for cancer rates, had they contracted cancer, they would have gone in assuming that after x percentage of amount of dollars that the insurance company would have paid 80 percent of their costs. Well, when you're in life and death situations, those are not usual and customary costs. Many of the life saving treatments are not customary procedures; ergo, you do not get those costs covered. There is a big difference in the little details and it is important that we do take the time to read those details, but reading and understanding are two very different things, and it is a very complicated issue. When you read through your policy at home, it's pretty impressive.

The other thing that I would note is, when I came back to Maine, I was amazed that I didn't have to worry about the preexisting conditions. I had to go through and ask, well does this condition apply, does this condition apply, does this condition apply, when I was getting my policy in Philadelphia. Those are changes that are good changes and those are good consumer protections, and one of many reasons why we have higher costs is because we have those consumer protections. They're not regulations, they're not just random mandates, they're consumer protections, and the difference when people, especially I've heard the term "in these economic times" so often lately that if I had a penny for every time I heard it, it would probably fix the budget, but in these economic times, we are seeing people lose their health insurance because they're losing their jobs. If they turn around and are unable to get health insurance based on preexisting conditions out of state, they're going to have to come

back to Maine, and then the rest of us are going to be stuck with the bill on that front. I am very proud of the State of Maine for making sure that we do not have preexisting conditions. It's a really important component to our health insurance policy and I was floored when I didn't have to worry about it. So I am going to vote for the Ought Not to Pass motion. We do need to reform our health insurance, but right now we have a federal debate going on that could very well change the entire structure of how we view health care and health insurance, and I think that, under these economic times, we should be very cautious in making broad based decisions about our health care policy and our health care decisions for the people of Maine, when we are going to have to go and revisit this in a year, year and a half, two years, as it is, to fill in the gaps for whatever the Federal Government decides. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Knight.

Representative **KNIGHT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I hadn't intended to rise on this issue, but I've been thinking about it. I'm not an expert in health insurance at all. I do consider myself somewhat an expert in the banking area, having spent 44 years in the business, and many people in this room probably don't know this, but I persevered through this great country of ours fighting against interstate banking because I wanted people to have a choice of their banking, and what's happened over the years is the smaller banks, one by one, have been swallowed up and disappeared, and we know pretty much are looking at some large institutions. Fifteen or twenty years ago, I said you know if we keep doing this, folks, we're going to get in a situation where the economy turns on us and, when it does, there will be systemic risk. I think we all know what has happened in the last 24 months in this country. All this bill is doing is offering people a choice. We have a monopolistic situation here in the State of Maine now, when it comes to our health insurance. People aren't being forced to go out of state to buy their insurance, but this bill does give them a choice. I think Representative McKane is very correct in pointing out the very many red herrings and we've been hearing those arguments all morning, frankly, repetitiously, and I haven't heard a lot of different arguments, and I'm not going to prolong my discussion other than to say I will be voting against the motion and voting for choice. Every year, when I've gone out and banged on and banged on the doors in my district, that is one of the things I've heard more and more and more: give us a choice where we buy our health insurance. No one is forced to go out of state. In response to Representative Russell, we should read the insurance contracts whether they are in house or out of house. We don't have to buy those policies from New Hampshire or Massachusetts or wherever, but give the people a choice, that's all we're asking. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Cushing.

Representative **CUSHING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I know the debate has gone long on this, but I think it is important that we reflect on that issue of choice, because, here in Maine, we have some very fine insurance companies that provide coverage but one size doesn't fit all, and I think we recognize that one carrier provides a significant amount of coverage. Choice is a very important and valuable asset to people who are in different stages of their life and have different needs for their health coverage. One of my personal concerns is that we talk about coverage, but we don't always empower people to be active in their health care decisions. They go in with their insurance credit card and they put it down and they pay their co-pay. They don't

have a direct connection with what some of those costs are and they don't manage it. There are proven examples in other states of plans that have been developed that are very effective in giving people choice for their needs, and I think this is a critical opportunity for us here in Maine to test that for our citizens too, and I will be voting in favor of choice as well. I do appreciate your consideration of my comments.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I think it's great that we're spending all of this time on this issue; it is an important issue, so I do think it's time well spent and we need to understand this issue and we need to understand how the insurance marketplace works, because we are going to have other debates later on and we are going to try to make some changes that help people. Just a couple of quick points: First of all, a reminder that the majority of the committee voted Ought Not to Pass and that's the pending motion, so to support the majority of the committee you'll be voting green. Secondly, I think it's important to know that not a single state in the country has legislation of this type that has passed. Further, it was considered by the Federal Government and rejected, in part for many of the same reasons. If you were to do something like this, it really should be done nationally because, otherwise, that's the only way that you can plug the holes. Right now, we have state regulation of insurance. Unless you want the Federal Government to come in and preempt that and create a national system of regulation, this isn't going to work. But even that proposal did not pass and for very good reasons, because the same concerns that were raised about pulling people off of insurance that they already had and really destructing the system that we have which has its flaws, which needs to be fixed, and maybe the way to fix it is to blow it up, but I don't think so and that's really what this bill proposes to do.

I want to comment on just some of the analogies that people have been using and maybe it's my fault I started us down this path with my opening comments, but I do think it's quite different than buying a car or buying a washing machine and deciding whether or not to get an extended warranty. The question was posed rhetorically by the Representative from Saco, Representative Pilon, what's the worst that could happen? Well, in a health care context, actually the worst that can happen can be pretty darn bad, and by shaving off a couple hundred dollars a month, which is not insignificant, which we want to do, we want to figure out how to do that, but you could easily find yourself paying very close to what you're paying right now in the State of Maine for coverage that doesn't cover what you have, and be out hundreds and thousands, if not millions of dollars which is what some of these treatments cost, going into bankruptcy, pursued by debt collection agents and with no one there at your back to help you. It's a lot different than buying a car.

I just want to make another point about we're going to have other bills about finding out what's actually in these policies, but right now you're pretty much forced to buy a policy without knowing what's actually in it, which raises some obvious problems, and certainly that is the case in other states and they don't even have proposals to fix it. But if we're going to use that analogy of the service contract, I just want to point out that that is an area of consumer law where we have had more attorneys general lawsuits and settlements over the fact that these service agreements have been offered to people and sort of imposed on them that did absolutely nothing except repeat provisions that people already are protected under law without paying one penny more, and I'm looking at the Representative from Sullivan who

knows very well about this. You know, it's one thing if you're out all this money for that service contract on your computer, you know the \$500 that you spent for it, or maybe \$1,000, maybe \$2,000 if you got the primo model a few years ago, but it's a whole other situation if you're talking about your health care and ending up bankrupt because you didn't know what you were doing and there was no one there to advise you. There is a time and place for experimentation and I think Maine has a reputation for sticking its neck out and trying things, but this is not the time and place, and this is not the bill, and I urge you to vote with the majority of the committee, Ought Not to Pass.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 71

YEA - Adams, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Cleary, Cohen, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Morrison, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaudette, Beaulieu, Bickford, Browne W, Burns, Cebra, Chase, Clark T, Connor, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Hanley, Harvell, Hill, Johnson, Joy, Knapp, Knight, Langley, McFadden, McKane, McLeod, Millett, Nass, Nelson, Nutting, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Shaw, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Valentino, Weaver.

ABSENT - Celli, Lewin, Lovejoy, Miller, Pendleton, Smith.

Yes, 82; No, 63; Absent, 6; Excused, 0.

82 having voted in the affirmative and 63 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

ENACTORS

Emergency Measure

Resolve, Regarding Legislative Approval of the Public Utilities Commission's Plan for the Use of American Recovery and Reinvestment Act of 2009 Funds

(H.P. 1029) (L.D. 1478)
(S. "A" S-141)

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

Representative PIOTTI of Unity **REQUESTED** a roll call on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 72

YEA - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Celli, Lewin, Miller, Pendleton, Smith.

Yes, 146; No, 0; Absent, 5; Excused, 0.

146 having voted in the affirmative and 0 voted in the negative, with 5 being absent, and accordingly and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-168)** - Minority (4) **Ought Not to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Subrogation of Medical Payments Coverage"

(H.P. 513) (L.D. 754)

TABLED - April 29, 2009 (Till Later Today) by Representative TREAT of Hallowell.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-168)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 14, 2009.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-225)** - Committee on **TRANSPORTATION** on Bill "An Act To Regulate the Use of Traffic Surveillance Cameras"

(H.P. 854) (L.D. 1234)

TABLED - May 6, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-225)** was **READ** by the Clerk and **ADOPTED.**

The Bill was assigned for **SECOND READING** Thursday, May 14, 2009.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-216)** - Committee on **MARINE RESOURCES** on Bill "An Act To Allow the Direct Sale of Shellfish to Retailers"

(H.P. 335) (L.D. 447)

TABLED - May 6, 2009 (Till Later Today) by Representative PERCY of Phippsburg.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-216)** was **READ** by the Clerk.

Representative PERCY of Phippsburg **PRESENTED** House Amendment "A" (H-277) to **Committee Amendment "A" (H-216)**, which was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (H-216) as Amended by House Amendment "A" (H-277) thereto was **ADOPTED.**

The Bill was assigned for **SECOND READING** Thursday, May 14, 2009.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-95)** - Minority (4) **Ought Not to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require the Disclosure of Insurance Policy Limits to an Injured Party"

(S.P. 362) (L.D. 979)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-95).**

TABLED - May 7, 2009 (Till Later Today) by Representative TREAT of Hallowell.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (S-95)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, May 14, 2009.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-140)** on Bill "An Act To Expand the Moose Hunting Season"

(S.P. 351) (L.D. 929)

Signed:

Senators:

BRYANT of Oxford
JACKSON of Aroostook
TRAHAN of Lincoln

Representatives:

CLARK of Millinocket
BRIGGS of Mexico
DAVIS of Sangerville
WHEELER of Kittery
CRAFTS of Lisbon
SAVIELLO of Wilton
SHAW of Standish
McLEOD of Lee

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

EBERLE of South Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140).**

READ.

On motion of Representative CLARK of Millinocket, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (S-140)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, May 14, 2009.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-100)** on Bill "An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer"

(S.P. 235) (L.D. 621)

Signed:

Senators:

JACKSON of Aroostook
GERZOFKY of Cumberland

Representatives:

TUTTLE of Sanford
DRISCOLL of Westbrook
GILBERT of Jay
BUTTERFIELD of Bangor
BLODGETT of Augusta
CLARK of Millinocket

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

MILLS of Somerset

Representatives:

CUSHING of Hampden
HAMPER of Oxford
THIBODEAU of Winterport
BICKFORD of Auburn

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-100) AS AMENDED BY SENATE AMENDMENT "B" (S-151)** thereto.

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow Limited Partnerships between Brewers and Wholesalers"

(S.P. 269) (L.D. 694)

Signed:

Senators:

SULLIVAN of York

GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn

CORNELL du HOUE of Brunswick

PINKHAM of Lexington Township

VALENTINO of Saco

TRINWARD of Waterville

CAREY of Lewiston

NASS of Acton

RUSSELL of Portland

TUTTLE of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-152)** on same Bill.

Signed:

Senator:

PLOWMAN of Penobscot

Representative:

FITTS of Pittsfield

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

READ.

On motion of Representative TRINWARD of Waterville, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-142)** on Bill "An Act To Amend the Tax Exemption Regarding Leased Property"

(S.P. 205) (L.D. 545)

Signed:

Senators:

PERRY of Penobscot

BLISS of Cumberland

NASS of York

Representatives:

WATSON of Bath

FLEMINGS of Bar Harbor

BRYANT of Windham

CROCKETT of Augusta

PILON of Saco

CHASE of Wells

VALENTINO of Saco

KNIGHT of Livermore Falls

SIROIS of Turner

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

LANGLEY of Ellsworth

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-142)**.

READ.

Representative WATSON of Bath moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative TARDY of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Langley.

Representative **LANGLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'd like to speak on behalf of this bill. I was the one lone on the 12-1 Report and, as a matter of principle, I'd like to stand up and defend our hospitals who will be facing new tax burdens coming into the next year, above and beyond the penalties or the lack of payments that are coming to them this year. This bill does correct a 30 something year old error in the tax laws and it is pushed out two years, it goes into effect, but I rise today to ask to vote against this, and I'm doing this really on behalf of our hospitals. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Watson.

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have the greatest respect for Representative Langley and his defense of the hospitals in this matter. We spent quite a bit of time on it and it purposely extended its effective date out until 2012 to give the hospitals ample opportunity to, one, change their business plans, or, two, come back in to the Legislature and try to make a case for this exemption which, as the Representative pointed out, was in fact granted probably in error about 30 years ago. So I have great respect and admiration for our hospitals, we are giving them plenty of time to either adjust their business plans or come in and correct the matter legislatively, but this was an error in law that we simply could not allow to go on once we discovered its existence. Thank you very much, Madam Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 73

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Chase, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crockett P, Cushing, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Fletcher, Flood, Gilbert, Goode, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, McLeod, Morrison, Nass, Nelson, Nutting, O'Brien, Peoples, Percy, Perry, Pieh, Pilon, Piotti, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Russell, Sanborn, Sarty, Schatz, Shaw, Sirois, Stevens, Stuckey, Sutherland, Sykes, Tardy, Theriault, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Browne W, Burns, Campbell, Clark H, Clark T, Crafts, Cray, Crockett J, Curtis, Davis, Edgecomb, Fitts, Fossel, Gifford, Giles, Greeley, Hamper, Johnson, Joy, Langley, McFadden, Millett, Peterson, Pinkham, Plummer, Prescott, Saviello, Strang Burgess, Thibodeau, Thomas, Tilton, Tuttle, Weaver.

ABSENT - Cebra, Celli, Lewin, Miller, Pendleton, Pratt, Smith, Willette.

Yes, 108; No, 35; Absent, 8; Excused, 0.

108 having voted in the affirmative and 35 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-142)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 14, 2009.

CONSENT CALENDAR

First Day

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

(S.P. 80) (L.D. 239) Bill "An Act To Eliminate the Repeal Date on Nonhospital Expenditures in the Capital Investment Fund" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 422) (L.D. 1131) Bill "An Act To Clarify the Law Regarding the Passing of School Buses by Bicyclists" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 182) (L.D. 479) Bill "An Act To Recognize Maine Youth Camps" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-148)**

(S.P. 258) (L.D. 683) Bill "An Act To Promote Cost-effective and Broad-based Vision Care for Maine Citizens by Clarifying the Scope of Prescription Authority by an Optometrist" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-147)**

(S.P. 273) (L.D. 724) Bill "An Act To Provide Transparency Concerning Operating Expenses for Hospitals" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-149)**

(S.P. 307) (L.D. 799) Bill "An Act To Encourage Clean Fuel Vehicle Economic and Infrastructure Development by Extending the Tax Credit" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-143)**

(S.P. 316) (L.D. 808) Bill "An Act To Capitalize the Municipal Investment Trust Fund with Municipal Revenue-sharing Resources" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-144)**

(S.P. 426) (L.D. 1154) Resolve, To Establish a Study Commission To Review Tax Increment Financing in the Unorganized Territory (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-146)**

(S.P. 481) (L.D. 1335) Bill "An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-150)**

(H.P. 993) (L.D. 1417) Bill "An Act To Add Unlicensed Assistive Persons with Notations to the Maine Registry of Certified Nursing Assistants" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 493) (L.D. 710) Bill "An Act To Allow Denturists To Practice to the Level of Their Educational Training" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-272)**

(H.P. 756) (L.D. 1094) Bill "An Act To Enhance Safety at Construction Sites by Regulating Open Trenches" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-269)**

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Promote Responsible Sales of Alcoholic Beverages" (H.P. 741) (L.D. 1074)

Signed:

Senators:

SULLIVAN of York
PLOWMAN of Penobscot
GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn
CORNELL du HOUX of Brunswick
PINKHAM of Lexington Township
VALENTINO of Saco
TUTTLE of Sanford
FITTS of Pittsfield
CAREY of Lewiston
NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-266)** on same Bill.

Signed:

Representatives:

TRINWARD of Waterville
RUSSELL of Portland

READ.

Representative TRINWARD of Waterville moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. I do want to speak to this bill and actually have a consideration on this. This act was put forward to really increase the accuracy of identifying underage purchasers of alcohol. This bill, as it is amended by the Minority Report, has identification occurring for anyone under the age of 35. The other portion of this bill is really to help those who are on the front line serving alcohol or selling alcohol, that they be trained in the laws and rules around serving alcohol. The amendment actually asks that the Alcohol Education Advisory Council, that is already in place, look at the possibility of doing this and with the possibility of requiring all service to be educated in this. I ask that we consider and I'm going to ask for a roll call, but I ask that we consider the Minority Report, so I'm going to ask a roll call for this.

Representative **PERRY** of Calais **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Valentino.

Representative **VALENTINO**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to support the Majority Report Ought Not to Pass. I am actually on the Majority Report, it was 11-2 on that, and I just want to quote actually the reasons for it from Lieutenant David Bowler of the Maine State Police, who gave testimony at our hearing. He said this bill will essentially make every licensee and their employees responsible for identifying each and every person that purchases or is going to consume an alcoholic beverage show their license and identification. When I was sitting here, my good seatmate from Old Town asked me what does this bill really mean, and told him, I said, Good Representative from Old Town, as I always refer to him, I said if you stop on your way tonight and you want to pick up a six-pack of beer and you don't have identification with you, they will not sell you the beer. He replied, what, on my birthday? I said that's right, even on your birthday, Representative. The point being is that if you ask on different things, even though we've increased it till 25, I just had to throw that in for a little bit of fun for my seatmate, that's all. Now I'll get back to the seriousness of the bill.

In essence what this does is that it just raises it from 27 to 37, to have to ask for an ID. Right now, any single store can put a sign on their counter and say we card everybody. It is up to the store owner to do that. So any store right now, and we heard testimony actually saying that many stores do that, we card every one. If you go to a Sea Dogs' game, it doesn't matter if you're 72 or 62 or whatever age, you are going to get carded, and we all know that you cannot buy a beer at the Sea Dogs' game unless you have your ID with you. All this is really saying is putting the onus, they're saying a lot of people it's very difficult to tell the age. My argument is that it will still be difficult at 35 to tell the age of people, so putting another law on the books just to increase it from 27 to 35 is not necessary, when every business owner now has every right to card every single person that goes into the store. We do not need the state to make another intrusion into small business and tell them what they have to do, when they are already entitled to do it. There is no law that prohibits them from carding every single person now.

As far as the training piece, the training piece was taken out in the amendment. The training piece was totally unworkable, according to the State Police. They would have had to train 12 to 20,000 employees would have needed to be trained in the next

30 days and that was taken out of the amendment. I urge all of you to go with the majority on this and move Ought Not to Pass. Thank you.

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

Representative **RUSSELL**: Thank you, Madam Chair. Ladies and Gentlemen of the House. I am rising in opposition to this motion. For those of us who look 27 or under, we're accustomed to pulling out our IDs and presenting it. Most people seem to think I'm about 24; I'm actually 32, shh. The problem is that you're entrusting people like me who, on a good day, I can kind of gage how old people are. On a day like today, where I'm running back and forth to the bathroom hoping that I don't lose everything that I've stuck inside of my stomach for the rest of the day, I probably couldn't tell. But the fact of the matter is you're entrusting convenience store people who make \$8, \$7.50 an hour to card people and to make a determination that those people are over the age of 21. This is not a bill about determining that someone looks 27 or they look 35 or they look 37. This is a bill designed to make sure that the people who should be carded, the ones who are not getting alcohol, are getting carded. I can't tell you how many times I have carded people to have them say what do you mean, you have to card me. Well, last time I checked, it was the law. The problem is that people do not like to be carded, and those of us who are accustomed to being carded, we already have to come in and present our ID. For those folks in the audience who aren't necessarily accustomed to getting carded, this is a huge, huge inconvenience. Well, we have made a policy decision to prevent folks who are under the age of 21 from having access to alcohol. The argument against this bill is about inconvenience. We're going to inconvenience people at a convenience store. Well, I understand you want to run in and you want to get your alcohol. I am not going to card you if you look over 40 or over 50. The problem is that we have also made a policy decision that we are going to sting would-be convenience stores and bars. We are going to actively send in people who are twenty and a half years old and try to trick you and trick me into selling alcohol who's not of age. Well the view, the look between 19 and 27, is not really that much different. It is very difficult to tell at 27 years old whether or not someone looks young enough to be younger than 21. The law, as it is on the books, is subjective. If we increase it, I would love to see it be 50 or above. My boss has begged me, please Representative Russell, please pass a bill that would make this universal. Now I understand the argument that we can put a sign up. Well, we've done that; we've put signs everywhere, everywhere, and people still come in and they say are you serious, you can't card me. No joke, two days after our store had gotten hit for serving to minors for twice in less than 24 hours, not a good record and I was not the one that did it for the record, we had gotten stung twice in less than 24 hours and all of the sudden we had signs everywhere. It doesn't matter if you come in with a walker, you're getting carded. I carded someone who was clearly in his 50's. You know what he said to me after my boss had gone up one side of me and down the other said, now Diane, don't you forget to card everyone, I don't care who it is, you card every one. Well, someone walks in and looks over 50 and I said, well sir, I'm so sorry but I have to card you. Well, I'm friends with your boss; I'm going to make sure you get fired. Well, if you were friends with my boss, sir, you'd understand that I'd have to card you. It was a disaster. We need to change the culture around carding. Now at my age, and there are several of us in the audience who do get carded on a regular basis.

The **SPEAKER**: Will the Representative please defer. For what purpose does the Representative rise?

Representative **SYKES**: Madam Speaker, it's my understanding that as we address the House, we're supposed to address the Speaker, not turn to the rest of the House.

On **POINT OF ORDER**, Representative SYKES of Harrison asked the Chair to remind Representative RUSSELL of Portland to address the Speaker and not turn to the rest of the House.

The **SPEAKER**: The Point of Order is accurate, and the Chair would remind all members that the proper motion is to address the Speaker. You're supposed to say "Madam Speaker, Ladies and Gentlemen of the House" and address your comments toward the Speaker. The Representative may proceed.

The Chair reminded Representative RUSSELL of Portland to address her remarks toward the Speaker.

Representative **RUSSELL**: I thank the good Representative for correcting the freshman, it really warms my heart. So the point here is that we are going to make sure that people who are under 21 are not getting access to alcohol. That's the policy that we already have in place. Let's make it easier for our businesses to not have to entrust people who make \$7.50, \$8 an hour, who may not be educated, who may not have the training, with basically their livelihood. If they get busted, they have a very real chance of losing their liquor license or their right to sell beer and wine. So this is a very process bill, very small bill and, for those of us who are accustomed to being carded, Madam Chair, this is something that's already happening. I'm sorry if it's an inconvenience to folks who are not accustomed to being carded and do not have the good graces to be accused of being 24. This is an opportunity to look at your convenience store representative, Madam Chair, and say thank you for carding me. This is a good thing. We all need to be flattered, and we all need to make sure that we are following through on the policy set forth, designed to protect our young folks from not having access to alcohol and protecting our businesses from not getting attacked for selling to minors, when they have no control over it. It's their employees that are making those educated decisions or uneducated decisions. Thank you, Madam Chair.

The **SPEAKER**: The Chair recognizes the Representative from Greenville, Representative Johnson.

Representative **JOHNSON**: Thank you, Madam Speaker. I have no comment at this point.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 74

YEA - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Greeley, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Mazurek, McFadden, McKane, McLeod, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Peoples, Percy, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rosen, Rotundo, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino,

Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Martin JL, McCabe, Perry, Pratt, Russell.

ABSENT - Celli, Lewin, Miller, Pendleton, Smith.

Yes, 141; No, 5; Absent, 5; Excused, 0.

141 having voted in the affirmative and 5 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-267)** on Bill "An Act To Amend the Laws Governing Games of Chance"

(H.P. 947) (L.D. 1346)

Signed:

Senators:

SULLIVAN of York

PLOWMAN of Penobscot

GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn

CORNELL du HOUX of Brunswick

PINKHAM of Lexington Township

TRINWARD of Waterville

TUTTLE of Sanford

FITTS of Pittsfield

CAREY of Lewiston

NASS of Acton

RUSSELL of Portland

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

VALENTINO of Saco

READ.

On motion of Representative TRINWARD of Waterville, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-267)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 14, 2009.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill "An Act To Allow Noninvasive Testing of Infants for the Presence of Drugs without a Parent's Consent"

(S.P. 214) (L.D. 599)

Which was **TABLED** by Representative PIOTTI of Unity pending the motion of Representative TARDY of Newport to **RECEDE AND CONCUR**.

Representative PIOTTI of Unity **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

ROLL CALL NO. 75

YEA - Beck, Blanchard, Bolduc, Burns, Chase, Eaton, Finch, Fitts, Fletcher, Gilbert, Giles, Greeley, Harvell, Hogan, Innes Walsh, Joy, Knapp, Knight, Martin JR, McFadden, Millett, Nutting, Peterson, Pinkham, Plummer, Richardson W, Rosen, Schatz, Sirois, Stevens, Strang Burgess, Sykes, Thomas, Wagner J, Watson, Weaver, Wheeler.

NAY - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Berry, Bickford, Blodgett, Boland, Briggs, Browne W, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eberle, Edgecomb, Eves, Flaherty, Flemings, Flood, Fossel, Gifford, Goode, Hamper, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hunt, Johnson, Jones, Kaenrath, Kent, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JL, Mazurek, McCabe, McKane, McLeod, Morrison, Nass, Nelson, O'Brien, Peoples, Percy, Perry, Pieh, Pilon, Piotti, Pratt, Prescott, Priest, Rankin, Richardson D, Robinson, Rotundo, Russell, Sanborn, Sarty, Saviello, Shaw, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner R, Webster, Welsh, Willette, Wright, Madam Speaker.

ABSENT - Celli, Lewin, Miller, Pendleton, Smith.

Yes, 37; No, 109; Absent, 5; Excused, 0.

37 having voted in the affirmative and 109 voted in the negative, with 5 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **ADHERE**.

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

On motion of Representative **CLEARY** of Houlton, the House adjourned at 12:43 p.m., until 10:00 a.m., Thursday, May 14, 2009.