

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

May 28, 2009 – June 12, 2009

**Second Regular Session**

January 6, 2010 - March 23, 2010

Pages 609-1214

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE  
FIRST REGULAR SESSION  
47th Legislative Day  
Friday, May 29, 2009

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

Prayer by Reverend Thomas Leguin, St. Rose of Lima, Jay.  
National Anthem by Melanie Saucier, Fort Kent.  
Pledge of Allegiance.  
Doctor of the day, Gary Winn, MPH, DO, Arundel.  
The Journal of yesterday was read and approved.

2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 34B §1210 I am pleased to appoint Representative Peter C. Stuckey of Portland to the Maine Advisory Committee on Mental Retardation.

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

Sincerely,  
S/Hannah M. Pingree  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Expand the Moose Hunting Season

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

(C. "A" S-140)

**PASSED TO BE ENACTED** in the House on May 18, 2009.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-140) AS AMENDED BY SENATE AMENDMENT "A" (S-238)** thereto in **NON-CONCURRENCE**.

On motion of Representative CLARK of Millinocket, the House voted to **RECEDE AND CONCUR**.

The Following Communication: (H.C. 197)

**STATE OF MAINE**

**CLERK'S OFFICE**

**2 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333**

May 29, 2009

Honorable Hannah M. Pingree

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Pingree:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following items out "Ought Not to Pass":

Agriculture, Conservation and Forestry

L.D. 474

An Act To Clarify Land Planning in the Unorganized and Deorganized Townships

L.D. 558

An Act To Amend Notification Procedures of the Maine Land Use Regulation Commission

L.D. 1294

An Act To Amend the Laws Governing the Public Hearing Process for the Board of Pesticides Control

Judiciary

L.D. 477

An Act To Fund State Drug Prosecutors

L.D. 615

An Act To Strengthen Landowner Rights in Certain Eminent Domain Situations (EMERGENCY)

L.D. 897

An Act To Prohibit Mandatory Binding Arbitration

L.D. 981

Resolve, To Establish a Study Commission To Examine the Issue of Eminent Domain (EMERGENCY)

L.D. 1472

An Act To Require a Municipality To Quiet Title to Certain Roads Acquired by Adverse Possession

Taxation

L.D. 1427

An Act To Compensate Maine Residents for the Impacts of High-voltage Transmission Lines (EMERGENCY)

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

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

**COMMUNICATIONS**

The Following Communication: (H.C. 196)

**STATE OF MAINE**

**HOUSE OF REPRESENTATIVES**

**SPEAKER'S OFFICE**

**AUGUSTA, MAINE 04333-0002**

March 2, 2009

Hon. Millicent M. MacFarland

Clerk of the House

The Following Communication: (S.P. 567)

**STATE OF MAINE  
124TH MAINE LEGISLATURE**

May 27, 2009

Sen. Lawrence Bliss  
Senate Chair, Joint Standing Committee on Judiciary  
Rep. Charles R. Priest  
House Chair, Joint Standing Committee on Judiciary  
124th Legislature  
Augusta, ME 04333

Dear Senator Bliss and Representative Priest:

Please be advised that Governor John E. Baldacci has nominated William Osborne of Bangor and Diana Scully of Hallowell for appointments to the Indian Tribal State Commission. Pursuant to 30 MRSA §6212, these nominations will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

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

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The Following Communication: (S.C. 378)

**MAINE SENATE  
124TH MAINE LEGISLATURE  
OFFICE OF THE SECRETARY**

May 28, 2009

Honorable Hannah M. Pingree  
Speaker of the House  
2 State House Station  
Augusta, ME 04333-0002

Dear Speaker Pingree:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 124th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Natural Resources, the nomination of Franklin E. Woodard of Falmouth for appointment to the Board of Environmental Protection.

Upon the recommendation of the Committee on Natural Resources, the nomination of Elizabeth E. Ehrenfeld of Falmouth for reappointment to the Board of Environmental Protection.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate

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

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

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**ORDERS**

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 27)

**ORDERED**, that Representative Stephen R. Beaudette of Biddeford be excused May 21 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Kathleen D. Chase of Wells be excused May 7 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative H. David Cotta of China be excused May 20 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Brian D. Langley of Ellsworth be excused May 19 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Edward P. Legg of Kennebunk be excused May 26 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Donald E. Pilon of Saco be excused May 20 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Thomas B. Saviello of Wilton be excused May 20 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Nancy E. Smith of Monmouth be excused May 12, 13 and 14 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Richard M. Sykes of Harrison be excused May 27 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Sharon Anglin Treat of Hallowell be excused May 19 for legislative business.

**READ** and **PASSED**.

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

James Martin, Jr., of Crawford, a member of the Maine Warden Service, who was named the 2009 Warden of the Year by the Maine Department of Inland Fisheries and Wildlife. Warden Martin, a 20-year veteran based in Calais, received this distinction for his dedication to the public safety of people within his district, his enforcement of Maine's poaching laws, his commitment to safety education by wardens, his work with local, state, federal and international law enforcement officers and agencies and his representation of game wardens through union efforts to negotiate contracts. We congratulate Warden Martin on his receiving this well-deserved honor;

(HLS 405)

Presented by Representative McFADDEN of Dennysville.

Cosponsored by Senator RAYE of Washington, Representative BUTTERFIELD of Bangor, Representative PERRY of Calais.

On **OBJECTION** of Representative BUTTERFIELD of Bangor, be **REMOVED** from the Special Sentiment Calendar.

**READ**.

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

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**In Memory of:**

Bruce Roy, of Jay, prominent labor leader and member of his community. Mr. Roy was a 1975 graduate of Jay High School and worked at the James River Otis Mill in Jay, presently Wassau Paper Company, for more than 29 years. He was a member of PACE International Union, now known as the United Steel Workers, Local 11 of Jay, and served as treasurer/recording secretary and president of the Maine Labor Council of the United Steel Workers and secretary/treasurer of Maine AFL-CIO. He spent much of his time lobbying for laws to aid and protect working families and worked tirelessly to promote the election of politicians who support working families. Mr. Roy was a charter member and officer of the Western Maine Labor Council and a member of the United Steel Workers Contract Action Team. In

August 2008, he was appointed as the emergency response team coordinator for United Steel Workers District 4 in support of families affected by a workplace fatality or a critical injury and was recently honored for his activism and advocacy for the United Steel Workers members and families. Mr. Roy was recently appointed and confirmed to the Maine Workers' Compensation Board. In addition to his work and labor activities, Mr. Roy served the Town of Jay as a selectman, assessor and overseer of the poor, was a member of the board of directors for Franklin County Community Action and was serving as a member of the board of assessment review for the Town of Jay and the Tri-Town Ministerial Fuel Fund of Livermore Falls. We acknowledge Mr. Roy's exemplary and dedicated service to his profession, the labor movement, his community and the State. He will be greatly missed and long remembered by his loving family and many friends;

(SLS 187)

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

**READ.**

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

Representative **GILBERT**: Thank you, Madam Speaker. Thank you for the opportunity to speak on behalf of my union brother Bruce Roy. Bruce, a labor activist, is being honored today by the Maine House of Representatives. He was raised in a labor town by a family of proud paper mill workers. Bruce and his wife Nancy are the parents of two daughters, Jessica and Joanne. Bruce was active over the years in municipal government in the town of Jay. He held positions on the town's Board of Appeals, the Planning Board, the Budget Committee and several years on the Board of Selectmen. But his real focus has been as a spokesperson for coworkers. He held positions as an officer for United Steelworkers, Local 11, was president of the Maine Labor Council of the United Steel Workers, and was a charter member of the Western Maine Labor Council. Bruce, as a member of the United Steel Workers Contract Action Team, trained members of other USW locals, as they prepared for their contract negotiations.

Earlier this year, Bruce was appointed and confirmed to sit on the Maine Workers' Compensation Board. However, on Tuesday, April 7th, Bruce suffered a fatal heart attack as he was preparing to attend his first board meeting that morning. His afternoon schedule that day was to include a meeting with the Chief Executive to advocate for his coworkers facing the permanent closure of Wausau Paper Company in Jay. Bruce Roy will be missed by his family, his neighbors and his union brothers and sisters. Bruce Roy died as he lived: a good family man, a leading citizen and a hardworking union man. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Madawaska, Representative Theriault.

Representative **THERIAULT**: Thank you, Madam Speaker. I also would like to stand and recognize a fellow colleague, someone that I worked with at the state level, Mr. Bruce Roy. Bruce was there for us as union people. He has worked tirelessly, was a person of great standing amongst all the people. He will definitely be missed, I'm sure, by his family; he will be missed by his brothers and sisters in the labor movement. I would just like to say in the public, thank you Bruce for all you've done for us.

Subsequently, the Sentiment was **ADOPTED** in concurrence.

Representative TRINWARD for the **Joint Standing Committee on Legal and Veterans Affairs** on Bill "An Act Regarding the Central Voter Registration System"

(H.P. 1037) (L.D. 1484)

Reporting **Ought to Pass** pursuant to Joint Order, H.P. 1030.

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

On motion of Representative TRINWARD of Waterville, **TABLED** pending **FURTHER ACTION** and later today assigned.

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**Divided Report**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Eliminate Schools' Responsibility for Transportation of Preschool Students"

(S.P. 128) (L.D. 364)

Signed:

Senator:

ALFOND of Cumberland

Representatives:

SUTHERLAND of Chapman

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" (S-61)** on same Bill.

Signed:

Senator:

WESTON of Waldo

Representatives:

FINCH of Fairfield

CASAVANT of Biddeford

RICHARDSON of Carmel

JOHNSON of Greenville

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

**READ.**

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

---

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Provide Greater Access to ATVs by Lowering the Minimum Operating Age"

(S.P. 104) (L.D. 340)

Signed:

Representatives:

CLARK of Millinocket

EBERLE of South Portland

BRIGGS of Mexico

DAVIS of Sangerville

McLEOD of Lee

SARTY of Denmark

CRAFTS of Lisbon

SAVIELLO of Wilton

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**REPORTS OF COMMITTEE**  
**Ought to Pass Pursuant to Joint Order**

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

(S.P. 343) (L.D. 921)

Signed:  
Senators:  
BRYANT of Oxford  
JACKSON of Aroostook

Signed:  
Senators:  
SULLIVAN of York  
GOODALL of Sagadahoc

Representative:  
WHEELER of Kittery

Representatives:  
CORNELL du HOUX of Brunswick  
VALENTINO of Saco  
TRINWARD of Waterville  
TUTTLE of Sanford  
CAREY of Lewiston  
NASS of Acton  
RUSSELL of Portland

Came from the Senate with the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-194)**.

**READ.**  
Representative CLARK of Millinocket moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-82)** on same Bill.

Signed:  
Senator:  
PLOWMAN of Penobscot

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow Youth To Fish for Smelt on Worthley Pond" (EMERGENCY)

Representatives:  
BEAULIEU of Auburn  
PINKHAM of Lexington Township  
FITTS of Pittsfield

(S.P. 347) (L.D. 925)

Signed:  
Representatives:  
EBERLE of South Portland  
BRIGGS of Mexico  
DAVIS of Sangerville  
SHAW of Standish  
McLEOD of Lee  
SARTY of Denmark  
CRAFTS of Lisbon  
SAVIELLO of Wilton

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-157)** on same Bill.

**ROLL CALL NO. 138**

Signed:  
Senators:  
BRYANT of Oxford  
JACKSON of Aroostook

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

Representatives:  
CLARK of Millinocket  
WHEELER of Kittery

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-157) AND SENATE AMENDMENT "A" (S-250)**.

**READ.**  
On motion of Representative CLARK of Millinocket, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Eliminate Maine Clean Election Act Funding for Gubernatorial Candidates"

ABSENT - Beck, Cray, Greeley, Hogan, Kaenrath, Martin JR, Webster.

Yes, 90; No, 54; Absent, 7; Excused, 0.

90 having voted in the affirmative and 54 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Supermajority Approval of the Legislature for Tax Increases

(S.P. 344) (L.D. 922)

Signed:

Senators:

PERRY of Penobscot

BLISS of Cumberland

Representatives:

WATSON of Bath

BRYANT of Windham

FLEMINGS of Bar Harbor

CROCKETT of Augusta

PILON of Saco

VALENTINO of Saco

SIROIS of Turner

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-145)** on same RESOLUTION.

Signed:

Senator:

NASS of York

Representatives:

LANGLEY of Ellsworth

CHASE of Wells

KNIGHT of Livermore Falls

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

**READ.**

Representative WATSON of Bath moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative TARDY of Newport **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: 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. 139**

YEA - Adams, Beaudette, Beaudoin, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland,

Therault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Campbell, Cebra, Celli, Chase, Clark T, Cotta, Crafts, Crockett J, Curtis, Cushing, Davis, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Hamper, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thomas, Tilton, Weaver.

ABSENT - Beck, Cray, Edgecomb, Greeley, Harvell, Kaenrath, Martin JR, Thibodeau, Webster.

Yes, 92; No, 50; Absent, 9; Excused, 0.

92 having voted in the affirmative and 50 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Thibodeau.

Representative **THIBODEAU**: Madam Speaker, I'd just like to be recorded as no on the previous vote. I was in the chamber and was trying to get to my seat before you closed the vote.

The SPEAKER: On Item 6-6, how would the Representative like to be recorded?

Representative **THIBODEAU**: Nay.

The SPEAKER: Nay. The Representative will be recorded as nay.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-420)** on Resolve, To Establish the Study Commission Regarding Teachers' Salaries (EMERGENCY)

(H.P. 367) (L.D. 522)

Signed:

Senators:

ALFOND of Cumberland

SCHNEIDER of Penobscot

Representatives:

SUTHERLAND of Chapman

FINCH of Fairfield

CASAVANT of Biddeford

WAGNER of Lewiston

LOVEJOY of Portland

NELSON of Falmouth

RANKIN of Hiram

RICHARDSON of Carmel

JOHNSON of Greenville

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

Signed:

Senator:

WESTON of Waldo

Representative:

McFADDEN of Dennysville

**READ.**

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-420)** was **READ** by the Clerk and **ADOPTED**. The

Resolve was assigned for **SECOND READING** Monday, June 1, 2009.

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** on Resolve, To Examine Data Discrepancies and Adequately Identify and Serve Children with Brain Injuries

(H.P. 597) (L.D. 866)

Signed:

Senators:

ALFOND of Cumberland  
SCHNEIDER of Penobscot

Representatives:

SUTHERLAND of Chapman  
CASAVANT of Biddeford  
WAGNER of Lewiston  
LOVEJOY of Portland  
NELSON of Falmouth  
RANKIN of Hiram  
McFADDEN of Dennysville

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

Signed:

Senator:

WESTON of Waldo

Representatives:

FINCH of Fairfield  
RICHARDSON of Carmel  
JOHNSON of Greenville

**READ.**

On motion of Representative SUTHERLAND of Chapman, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Resolve was **READ ONCE** and was assigned for **SECOND READING** Monday, June 1, 2009.

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Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Bill "An Act To Prohibit the Delivery of Tobacco Products to Consumers To Prevent the Sale of Tobacco Products to Minors"

(H.P. 850) (L.D. 1230)

Signed:

Senators:

BRANNIGAN of Cumberland  
MARRACHÉ of Kennebec  
MILLS of Somerset

Representatives:

PERRY of Calais  
JONES of Mount Vernon  
SANBORN of Gorham  
CAMPBELL of Newfield  
STRANG BURGESS of Cumberland  
EVES of North Berwick

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-438)** on same Bill.

Signed:

Representatives:

PETERSON of Rumford  
JOY of Crystal  
LEWIN of Eliot  
STUCKEY of Portland

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass** Report.

**READ.**

Representative PERRY of Calais moved that the House **ACCEPT** the Majority **Ought 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. This bill, though honorable in nature, is once again an attack on adult privilege. Mail-order tobacco, most especially large cigars, pipe tobacco, things that you can't buy at your corner package store, are wrapped into this bill and for that reason, I speak in opposition to the Majority Report.

This issue of minors having access through mail-order is though a difficult issue for us to find enforcement mechanisms. The real enforcement comes when kids are found in possession of tobacco and that possession comes primarily, and probably almost exclusively, from things that are purchased here in Maine. The idea that mail-order is somehow the major contributor to the ills of youth access to tobacco is a falsehood. This is basically an attack on what adults have available to them. Some of these products that are rolled into this are not available any other way but for mail-order. So for that reason, I ask you to defeat the present motion and move to the Minority Report. 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. Even the State Police are against this. If it's stuff you can't find in a store, then the kids would get to it. I would request for a roll call.

Representative **CAMPBELL** of Newfield **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought 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 Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. This bill, when brought forward, actually had two supporters that usually are against each other to do this. One of the big things in terms of delivery that they talked about was the ability to check ID, and that the mail people did not want to be able to do that, nor did they have the personnel or ability to do that. Also, it was really with all of the small stores. We did look at excluding cigars, not pipe tobacco, pipe tobacco is still available within stores, and that is the Minority Report. The Minority Report does have cigars excluded, but not pipe tobacco. I would say this brings this forward a lot further than even the committee wanted to see, and so I'm really going to ask that you support all of tobaccos not be ordered by the Internet because of the assurance that it will not go to our minors. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mount Vernon, Representative Jones.

Representative **JONES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in support of this Majority Report. As you know, I've been a strong supporter of tobacco prevention use for a number of years in my



career and here in the Legislature. Preventing access to this product, which is the leading cause of death and disability and health care costs in our state, is a major public health intervention trying to help people to make choices not to access these products. Help us go a long way at addressing this health issue. I hope that you'll continue to do this, as we have in a number of public health areas, as far as setting up laws in our environment, not allowing smoking in public places and in our buildings, and increasing taxes on tobacco products. This is just one more step to help our children and our adults make better choices to protect their health. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today in favor of voting against this measure. Yes you have minors getting tobacco through mail-order, but are we again going to say well, let's not have any hatchets go through the mail-orders because minors might hurt themselves, or ammunition, or bow equipment. Where are we going to stop with making limits on mail-order and Internet buying? So I request that the members please vote against this measure.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It seems to me, after hearing the debate yesterday on wine, my how the times have changed. In the 19th century, when we set the three pillars that we all heard about so often that I wondered if I was in a dairy milk house in the State Legislature, the evil of the day was wine, alcohol; it was considered the sin of the age. Today we all wanted to have a drink yesterday, but now it's tobacco, and the only thing is that we might want to think about where that might be down the road when you make this vote.

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 am amazed, totally amazed from our debate yesterday, it's because I'm hearing that the mail does not have the capability to check IDs, to put them into the hands of minors. We heard yesterday that of course we have the capability to do this; that we don't want to put them in the hands of minors, but we did it yesterday; that adults have a right to have choices for things are not available in the State of Maine, but they have no right today. It was overwhelmingly passed yesterday, so I guess I'm just saying may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **VALENTINO**: To the people on the committee, what has changed since yesterday that on the mail-orders, on the adult rights and everything else, because I opposed the bill yesterday and I honestly don't know how I'm going to vote on this bill based on the vote yesterday, because I opposed that and the same argument against this is what killed the bill yesterday. I wish somebody would answer the question: What changed since yesterday on mail-order?

The SPEAKER: The Representative from Saco, Representative Valentino has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I had no intention originally of rising for this one, but I want you to hear the chip, chip, chip away. Our forefathers made the Constitution that

granted us a whole lot of freedom and that freedom meant the right to choose things. They considered adults perfectly capable of making decisions for themselves. But each day and each year, little by little, chip, chip, chip, freedoms are taken away all under the guise of a good thing for us. Well, you know what? I am an adult and I can choose what's good for me, and I can certainly try to choose what's good for my children. So I urge you today not let one more chip be taken away from our rights to choose. Thank you.

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

Representative **PERRY**: Thank you, Madam Speaker. What has changed since yesterday? Nothing. Cigarettes are not, not available throughout the state, they are all over, and the difficulty is US Postal Service is what does this. We were talking with wine about another service being used. This is common through the state. We have cigarettes all over the place. That is not an issue. As a matter of fact, the Maine Wholesalers and Grocers really strongly recommended that they have the ability to check ID and to ensure that it does not get sold to minors, and what they're requesting is that they have the ability to do that. In terms of the wines we were talking about wines that were not available. All of these things right now are available and they are available in your neighborhood. I ask that you pass the Ought to Pass Amendment.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have case law coming to us within the next half hour regarding this particular bill and defending the good Representative Valentino. It says you cannot use an ID or a driver's license as an ID if you're—and we'll see what it is, we'll have it in writing and have proof of it. I think we've got a couple of court dates that we just passed.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative **LEWIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm one of four who was on the Minority Report here, and I think, like the good Representative, Representative Chase said, we just chip away and chip away and chip away at personal rights and freedoms and I think we've gone too far with this bill. I'm an old retailer with 45 years of experience in retail and managing inventory. I can tell you right now there aren't that many fine cigar shops in the State of Maine and, in most places, you'd have to travel quite a distance to get a really fine cigar if that is something you prefer to have. I can tell you those little shops aren't going to spend the amount of money that it would cost them to stock with cigars. So if you can't get them by mail and you have to travel 200, 300 or 400 miles to get them, you may well not decide to do that, but it's your right to have it. If you'd like to have a good cigar, you should be able to have them sent to you. And absolutely nothing changed since yesterday, so we need to be consistent here, in my view, and this bill needs to go away as it should have gone away in previous years. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. In answer to Representative Valentino's question, that's what I was posing. I mean the temperance movement of the late 19th century led to the Eighteenth Amendment, where it was the evil of the age. Today we're in an age where the discussion in the 19th century was every sin imaginable could be laced to alcohol.

You know, every health deficiency today, we argue, is going to be laced to tobacco. We haven't changed in the sense of what an adult's decision should be from yesterday, but the spirit of the age deems that one is acceptable and one is not, and I personally do find that acceptable.

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

**ROLL CALL NO. 140**

YEA - Adams, Beaudette, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Cohen, Connor, Crockett P, Dostie, Duchesne, Eaton, Eberle, Eves, Flemings, Flood, Gilbert, Giles, Goode, Harlow, Haskell, Hill, Hinck, Hogan, Hunt, Jones, Kent, Knapp, Knight, Kruger, Legg, Lovejoy, Magnan, Martin JL, Mazurek, Miller, Morrison, Nelson, Pendleton, Percy, Perry, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, Sanborn, Smith, Stevens, Strang Burgess, Sutherland, Theriault, Treat, Trinward, Valentino, Wagner J, Watson, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaudoin, Beaulieu, Bickford, Browne W, Burns, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cornell du Houx, Crafts, Crockett J, Curtis, Cushing, Davis, Dill, Driscoll, Edgecomb, Finch, Fitts, Flaherty, Fletcher, Fossel, Gifford, Greeley, Hamper, Hanley, Harvell, Hayes, Innes Walsh, Johnson, Joy, Kaenrath, Lajoie, Langley, Lewin, MacDonald, Martin JR, McCabe, McFadden, McKane, McLeod, Millett, Nass, Nutting, O'Brien, Peoples, Peterson, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Russell, Sarty, Saviello, Schatz, Shaw, Sirois, Stuckey, Sykes, Tardy, Thibodeau, Thomas, Tilton, Tuttle, Van Wie, Wagner R, Weaver, Willette.

ABSENT - Cotta, Cray, Webster.

Yes, 71; No, 77; Absent, 3; Excused, 0.

71 having voted in the affirmative and 77 voted in the negative, with 3 being absent, and accordingly the Majority Ought to Pass Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative PERRY of Calais, the Minority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-438)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, June 1, 2009.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-418)** on Bill "An Act To Amend the Maine Condominium Act Regarding Liens"

(H.P. 663) (L.D. 961)

Signed:

Senators:

BLISS of Cumberland  
HASTINGS of Oxford

Representatives:

PRIEST of Brunswick  
CLEARY of Houlton  
HILL of York  
KRUGER of Thomaston  
NASS of Acton  
BEAULIEU of Auburn  
CROCKETT of Bethel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-419)** on same Bill.

Signed:

Senator:

HOBBINS of York

Representatives:

BRYANT of Windham  
DILL of Cape Elizabeth  
STEVENS of Bangor

Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "B" (H-419)** Report.

**READ.**

Representative PRIEST of Brunswick 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 to Pass as Amended by Committee Amendment "A" (H-442)** on Bill "An Act To Clarify the Beano and Bingo Laws as They Apply to Federally Recognized Indian Tribes"

(H.P. 371) (L.D. 526)

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-442)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, June 1, 2009.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Resolve, To Authorize a Pilot Project on Ranked Choice Voting (H.P. 945) (L.D. 1344)

Signed:

Senators:

PLOWMAN of Penobscot  
GOODALL of Sagadahoc

Representatives:

BEAULIEU of Auburn  
PINKHAM of Lexington Township  
VALENTINO of Saco  
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-443)** on same Resolve.

Signed:

Senator:

SULLIVAN of York

Representatives:

CORNELL du HOUX of Brunswick  
TRINWARD of Waterville  
TUTTLE of Sanford  
RUSSELL of Portland

**READ.**

On motion of Representative TRINWARD of Waterville, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-423)** on Bill "An Act To Establish a Wellness Tax Credit" (H.P. 428) (L.D. 590)

Signed:

Senator:

NASS of York

Representatives:

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:

Senator:

PERRY of Penobscot

Representatives:

WATSON of Bath  
BRYANT of Windham  
FLEMINGS of Bar Harbor  
CROCKETT of Augusta

**READ.**

Representative WATSON of Bath moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Create a Unified Board of Higher Education" (H.P. 952) (L.D. 1362)

Signed:

Senators:

ALFOND of Cumberland  
SCHNEIDER of Penobscot  
WESTON of Waldo

Representatives:

SUTHERLAND of Chapman  
FINCH of Fairfield  
CASAVANT of Biddeford  
WAGNER of Lewiston  
LOVEJOY of Portland  
RANKIN of Hiram  
RICHARDSON of Carmel  
McFADDEN of Dennysville  
JOHNSON of Greenville

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

Signed:

Representative:

NELSON of Falmouth

**READ.**

On motion of Representative SUTHERLAND of Chapman, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Limit Membership by School Administrative Units in Certain Interscholastic Organizations" (H.P. 1011) (L.D. 1457)

Signed:

Senators:

ALFOND of Cumberland  
SCHNEIDER of Penobscot  
WESTON of Waldo

Representatives:

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

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

Signed:

Representatives:  
 RICHARDSON of Carmel  
 JOHNSON of Greenville

**READ.**

On motion of Representative SUTHERLAND of Chapman, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 420) (L.D. 582) Bill "An Act To Amend the Statute of Limitations for Actions against the Estate of a Decedent" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-458)**

(H.P. 457) (L.D. 643) Bill "An Act To Authorize a Court To Appoint a Parenting Coordinator To Assist in Domestic Relations Actions" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-459)**

(H.P. 464) (L.D. 650) Bill "An Act To Create a Sustainable Funding Mechanism for Water and Wastewater Infrastructure in the State" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-455)**

(H.P. 519) (L.D. 760) Bill "An Act To Improve Landfill Capacity" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-451)**

(H.P. 742) (L.D. 1075) Bill "An Act To Promote Community-based Energy" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-463)**

(H.P. 864) (L.D. 1245) Resolve, To Improve the Continuity of Care for Individuals with Behavioral Issues in Long-term Care (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-460)**

(H.P. 876) (L.D. 1257) Bill "An Act To Require Legislative Consultation and Approval Prior to Committing the State to Binding International Trade Agreements" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-457)**

(H.P. 1023) (L.D. 1470) Resolve, To Recognize Women Veterans in the State House Hall of Flags Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-456)**

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

**CONSENT CALENDAR**

**Second Day**

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

(H.P. 189) (L.D. 235) Bill "An Act To Modify the Citizen Initiative Process" (C. "A" H-435)

(H.P. 210) (L.D. 264) Bill "An Act To Amend the Surcharge for the E-9-1-1 System" (EMERGENCY) (C. "A" H-437)

(H.P. 844) (L.D. 1224) Bill "An Act Regarding the Operation of County Jails and the State Board of Corrections" (C. "A" H-439)

(H.P. 913) (L.D. 1310) Resolve, To Establish the Blue Ribbon Commission To Examine the Legal and Policy Implications of Groundwater Extraction (EMERGENCY) (C. "A" H-434)

(H.P. 926) (L.D. 1322) Bill "An Act To Amend Provisions of the Submerged Lands Law" (C. "A" H-428)

(H.P. 970) (L.D. 1380) Bill "An Act To Amend the Maine Clean Election Laws Governing Gubernatorial Candidates" (C. "A" H-429)

(H.P. 982) (L.D. 1406) Bill "An Act To Transfer the Seed Potato Board to the Maine Potato Board" (C. "A" H-441)

(H.P. 1014) (L.D. 1462) Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Increase of Seed Money to \$150,000, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY) (C. "A" H-445)

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

(H.P. 978) (L.D. 1399) Bill "An Act Concerning Water Quality in Watersheds" (C. "A" H-452)

On motion of Representative DUCHESNE of Hudson, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

Representative DUCHESNE of Hudson moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I just wanted to let you know that this item actually was in the budget. Under those circumstances, we no longer actually need this bill. I did want to just take my hat off to the Representative from Harrington, Representative Tilton, for her diligence on pursuing this issue and bringing it to the committee's attention and getting us all on board. So thank you very much.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

**BILLS IN THE SECOND READING**

**Senate as Amended**

Resolve, To Further Regulate the Use of Tanning Booths by Minors

(S.P. 137) (L.D. 395)

(C. "A" S-227)

Bill "An Act To Improve the Maine Clean Election Act"

(S.P. 445) (L.D. 1197)

(S. "A" S-246 to C. "A" S-214)

Bill "An Act To Make Permanent the Allowance of Certain Commercial Vehicles between the Calais Border Crossing and Baileyville"

(S.P. 490) (L.D. 1355)

(C. "A" S-192)

**House as Amended**

Bill "An Act To Raise the Property Tax Exemption for Veterans"

(H.P. 60) (L.D. 71)

(C. "A" H-424)

Bill "An Act To Protect the Right To Use Solar Energy"  
(H.P. 62) (L.D. 73)  
(C. "A" H-370)

Bill "An Act To Expand Access to Oral Health Care"  
(H.P. 188) (L.D. 234)  
(C. "A" H-433)

Bill "An Act To Create a Moratorium on the Open-air  
Production of Genetically Engineered Pharmaceutical Crops in  
Maine"  
(H.P. 491) (L.D. 708)  
(C. "A" H-386)

Bill "An Act To Suspend Driver's Licenses of Persons  
Operating All-terrain Vehicles, Watercraft and Snowmobiles while  
Intoxicated"  
(H.P. 495) (L.D. 712)  
(C. "A" H-363)

Bill "An Act To Allow for a Dual Liquor License"  
(H.P. 681) (L.D. 989)  
(C. "A" H-425)

Bill "An Act To Increase Consumer Choice for Wine"  
(H.P. 696) (L.D. 1008)  
(C. "A" H-366)

Bill "An Act To Base the Value of Eminent Domain Takings on  
Going Concern Value"  
(H.P. 832) (L.D. 1207)  
(C. "A" H-361)

Bill "An Act To Amend Certain Laws Related to the  
Department of Agriculture, Food and Rural Resources"  
(H.P. 874) (L.D. 1255)  
(H. "A" H-454 to C. "A" H-440)

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

Bill "An Act To Create Regulatory Exemptions for Poultry"  
(H.P. 709) (L.D. 1034)  
(C. "A" H-427)

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

On motion of Representative MCCABE of Skowhegan, was  
**SET ASIDE**.

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

On further motion of the same Representative, the House  
**RECONSIDERED** its action whereby **Committee Amendment  
"A" (H-427)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment  
"A" (H-466) to Committee Amendment "A" (H-427)** which was  
**READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-427) as Amended by  
House Amendment "A" (H-466)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended  
by Committee Amendment "A" (H-427) as Amended by  
House Amendment "A" (H-466)** thereto and sent for  
concurrence.

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

Under suspension of the rules, members were allowed to  
remove their jackets.

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**ENACTORS  
Emergency Measure**

Resolve, Directing the State Tax Assessor To Adjust the  
State Valuation for the Town of Topsham  
(S.P. 509) (L.D. 1390)  
(C. "A" S-188)

Reported by the Committee on **Engrossed Bills** as truly and  
strictly engrossed. This being an emergency measure, a two-  
thirds vote of all the members elected to the House being  
necessary, a total was taken. 143 voted in favor of the same and  
0 against, and accordingly the Resolve was **FINALLY PASSED**,  
signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Allow Eleven Large Game Shooting Areas in the  
State  
(H.P. 252) (L.D. 316)  
(C. "A" H-236)

An Act To Amend the Law Regarding Littering on Public  
Lands  
(H.P. 370) (L.D. 525)  
(CC. "A" S-206 to C. "A" H-62)

An Act To Clarify the Status and Benefits of Employees of the  
Child Development Services System  
(S.P. 268) (L.D. 693)  
(C. "A" S-189)

An Act To Prohibit Furnishing a Place for Minors To Use  
Illegal Drugs  
(S.P. 305) (L.D. 791)  
(C. "A" S-193)

An Act To Amend the Private Way Laws with Regard to Road  
Associations  
(H.P. 918) (L.D. 1315)  
(C. "A" H-316)

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

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An Act Regarding Indirect Lobbying  
(H.P. 246) (L.D. 310)  
(C. "A" H-208)

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

On motion of Representative TRINWARD of Waterville, was  
**SET ASIDE**.

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

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An Act To Require the State To Provide Bonita Rogan with  
Health Insurance Benefits  
(S.P. 284) (L.D. 737)  
(C. "A" S-190)

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

On motion of Representative TARDY of Newport, was **SET  
ASIDE**.

The same Representative **REQUESTED** a roll call on  
**PASSAGE TO BE ENACTED**.

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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I would hope that you would support the unanimous report from the Committee on Labor. The bill makes Bonita Rogan eligible for a group health plan as a retired state employee. Mrs. Rogan worked at the state for 27 years and will be 60 in November 2009. She lost her health care benefits from the state when she went on disability. The issue would transfer a benefit form. Mrs. Rogan had health care benefits when she applied for disability, but she was not approved. Mrs. Rogan does not qualify for Social Security disability benefits, because she worked for the state for most of her working life. This is a deal that was presented by Senator Perry. These issues come by very seldomly, but she was a state employee all these years. What happened to her was very catastrophic so, in this case, the Labor Committee unanimously believed that she does deserve this benefit, and I would ask for your support.

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 rise to concur with the good Representative from Sanford that this is clearly a case where there was a failure of the state system to provide for this lady and I certainly would not encourage this unless there were overriding concerns to right a wrong. Thank you.

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

**ROLL CALL NO. 141**

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, Celli, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Crockett J, Crockett P, Curtis, Cushing, Davis, Dostie, Driscoll, Duchesne, Eaton, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossil, 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, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, 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, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Cray, Dill, Eberle, Webster.

Yes, 147; No, 0; Absent, 4; Excused, 0.

147 having voted in the affirmative and 0 voted in the negative, with 4 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Martin, who wishes to address the House on the record.

Representative **MARTIN**: Thank you, Madam Speaker. Had I been present on Roll Call No. 138, LD 921, I would have voted yea, and on Roll Call No. 139, LD 922, I also would have voted yea.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Welsh, who wishes to address the House on the record.

Representative **WELSH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. In reference to Roll Call No. 135 on LD 708, had I been present, I would have voted yea. In reference to Roll Call No. 136 on LD 1195, had I been present, I would have voted yea. In reference to Roll Call No. 137 on LD 71, had I been present, I would have voted yea. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Haskell, who wishes to address the House on the record.

Representative **HASKELL**: Thank you, Madam Speaker. Had I been present for Roll Call No. 136, LD 1195, I would have voted no. Thank you.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

**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 (8) **Ought to Pass as Amended by Committee Amendment "A" (H-153)** - Minority (5) **Ought Not to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Permanently Establish the Position of Director of Recreational Access and Landowner Relations"

(H.P. 594) (L.D. 863)

TABLED - April 29, 2009 (Till Later Today) by Representative PIEH of Bremen.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Representative PIEH of Bremen 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 Millinocket, Representative Clark.

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

The SPEAKER: The Representative may pose his question.

Representative **CLARK**: I would like to know where this money would be coming from, what account and what jurisdiction.

The SPEAKER: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you, Madam Speaker. Since I'm responding to a question, I guess I can talk about the amendment I'm about to offer, which changes the funding from where it was being taken out of. The IF&W share was being taken out of the Carrying Over Fund that belonged to IF&W, which was deemed by that committee as inappropriate. The commissioners worked together and you've got a letter on your desk stating that the funding has been moved to another account called DI-CAP, and I'm not going to try to explain DI-CAP, but it's a special revenue account. It doesn't come from the General Fund, so that took away that objection to getting the funding; moving the funding forward in this position which is supported.

While I'm up, Men and Women of the House, I will also mention that this is supported by all of the user groups. This has been a really helpful position to the people, the small landowners and the folks that have trouble with recreators at times on their land, so that's why we're supporting it. Thank you very much.

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

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

The SPEAKER: The Representative may pose her question.

Representative **CHASE**: Thank you, Madam Speaker. I'd like to know how much this position is going to be paid.

The SPEAKER: The Representative from Wells, Representative Chase has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: I don't have that, part of the amendment is in my hand, but my memory is it's about \$90,000 a year including all the extra expenses.

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. 142

YEA - Adams, Austin, Beaudoin, Beck, Berry, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Carey, Casavant, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Flood, Gilbert, Goode, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Peoples, Percy, Perry, Peterson, Piotti, Pilon, Pinkham, Piotti, Pratt, Prescott, Priest, Rankin, Richardson D, Rotundo, Russell, Sanborn, Saviello, Schatz, Shaw, Smith, Stevens, Stuckey, Sutherland, Theriault, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Willette, Wright, Madam Speaker.

NAY - Ayotte, Beaudette, Beaulieu, Bickford, Browne W, Burns, Campbell, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Crockett J, Curtis, Cushing, Davis, Edgecomb, Finch, Fitts, Fletcher, Fossel, Gifford, Giles, Greeley, Hamper, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pendleton, Plummer, Richardson W, Robinson, Rosen, Sarty, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver, Wheeler.

ABSENT - Cray, Treat.

Yes, 95; No, 54; Absent, 2; Excused, 0.

95 having voted in the affirmative and 54 voted in the negative, with 2 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-153)** was **READ** by the Clerk.

Representative **PIEH** of Bremen **PRESENTED House Amendment "A" (H-447)** to **Committee Amendment "A" (H-153)**, which was **READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (H-153) as Amended by House Amendment "A" (H-447)** thereto was **ADOPTED.**

The Bill was assigned for **SECOND READING** Monday, June 1, 2009.

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

SENATE DIVIDED REPORT - Majority (15) **Ought Not to Pass - Minority (10) Ought to Pass as Amended by Committee Amendment "A" (S-165)** - Committee on **NATURAL RESOURCES** and Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Regulation of Agricultural Composting Operations"

(S.P. 115) (L.D. 351)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

TABLED - May 21, 2009 (Till Later Today) by Representative PIOTTI of Unity.

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

Representative PIOTTI of Unity **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: 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. 143

YEA - Adams, Beaudette, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Celli, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Fitts, Flaherty, Flemings, Flood, Gilbert, Giles, Goode, Greeley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Knapp, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McKane, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Piotti, Pratt, Priest, Rankin, Robinson, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Stevens, Strang Burgess, Stuckey, Sutherland, Theriault, Trinward, Van Wie, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaudoin, Beaulieu, Browne W, Burns, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Crockett J, Curtis, Cushing, Davis, Dostie, Edgecomb, Fletcher, Fossel, Gifford,

Hamper, Hanley, Harvell, Johnson, Joy, Knight, Langley, Lewin, McFadden, McLeod, Millett, Nass, Nutting, Pieh, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Rosen, Sarty, Saviello, Smith, Sykes, Tardy, Thibodeau, Thomas, Tilton, Tuttle, Valentino, Wagner J, Weaver.

ABSENT - Cray, Treat.

Yes, 95; No, 54; Absent, 2; Excused, 0.

95 having voted in the affirmative and 54 voted in the negative, with 2 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Bill "An Act To Update Department of Defense, Veterans and Emergency Management Laws"

(H.P. 931) (L.D. 1327)

TABLED - May 27, 2009 (Till Later Today) by Representative TRINWARD of Waterville.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-390).**

Representative TRINWARD of Waterville **PRESENTED House Amendment "A" (H-467) to Committee Amendment "A" (H-390),** which was **READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (H-390) as Amended by House Amendment "A" (H-467)** thereto was **ADOPTED.**

The Bill was assigned for **SECOND READING** Monday, June 1, 2009.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-400)** - Committee on **TAXATION** on Bill "An Act To Designate Sales Tax Holiday Weekends"

(H.P. 792) (L.D. 1148)

TABLED - May 27, 2009 (Till Later Today) by Representative WATSON of Bath.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Representative WATSON of Bath moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative STRANG BURGESS of Cumberland **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 Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS:** Thank you, Madam Speaker. Madam Speaker, fellow Members of the House of Representatives. This is a bill that is, I don't know, I've been like so looking forward to this day and now here we are, and it's something that's been cooking for a long time and it's also something that many of you have heard before. What's different now is the times that we're in. This really is a bill and a chance for all of us to do something for the citizens of Maine. Let me tell you what this bill is, first of all.

This bill is a one time test of a sales tax holiday. Because of the way, the timing of when we adjourn, etcetera, etcetera, pretty much the earliest that we could pull this off might be Columbus Day weekend. So for the purposes of conversation in this bill, we've proposed a test, the first sales tax holiday for the State of Maine, to be Columbus Day weekend which is October 10th, 11th and 12th. Now this bill is a little bit more narrow than some you may have heard in the past. This bill covers items \$2,500 and under. What this bill does not cover in those \$2,500 and under items would be telecommunications, tobacco, gas, electric, motor vehicles, motor boats, meals and lodging, previous sales and

also layaways. This is meant to be oriented to a cash sale. It's a simple bill and it's really aimed at helping our retailers.

We do a lot for many different kinds of businesses up here. We help through Pine Tree Zones and we help through BETR and we do lots of different things for different audiences, but we really haven't done much for retail. Retail makes up more than 14 percent of all of the jobs in the State of Maine, and I don't know, but I'm sure that you all had had a little chance to look around and you've probably been downtown. We talk a lot about saving our downtowns, well our downtowns are filled with retail, or at least that's the part that brings people down and gives the vitality to a downtown. Well, if we don't help these businesses stay in business right now, there won't be any businesses in these downtowns that we're working so hard to save.

So who works in retail? Well, almost 70 percent of all of the retail jobs are made up of women and a lot of these jobs are part-time jobs. They fill in when the kids are at school; they fill in here, they fill in there. That is what is part of the glue that's holding our Maine families together right now is having that extra income, and yes, obviously there are many full-time jobs in there as well. So really, this bill is about jobs. You know the definition of stimulus is something that incites into action or quickens action.

So sales tax holiday. Okay, so what's the big deal? Well 17 other states have sales tax holidays. Sales tax holidays aren't new. In fact, there's some 27 different sales tax holidays out there. Some states do it more than once a year. Oh by the way, if you look at this little geography of northern New England, there's this little state that's just a little south of here: New Hampshire. New Hampshire has a tax free holiday 365 days of the year. You know what? We compete with that. We'd like to think that everybody who goes to New Hampshire and buys anything, of course, comes right home, fills out their Use Tax form, records that. Every year on your income tax, I'm sure you are all filling in that box with a nice big number of what you've purchased anywhere but Maine. Whether we collect the tax on it or not, it's also business that didn't come through a Maine retailer.

So what's wrong with having an incentive for you to keep your money in Maine? Well 47 of you in this body and the other felt that it made sense to you back in January and signed on as cosponsors. The Maine Merchants Association, the Maine Tourism Association, the chambers of commerce, people that are involved in helping everyday business get along are for this. I'd like to think you might have also heard from a few constituents, because this is something that they hear all of us talk all the time about the billions that go here and there, and they're feeling, well, not particularly stimulated. So for those of you who also think that Columbus Day might be a strong weekend anyway, I guess I would point to this last Memorial Day weekend, and if you think that sales are going into the summer in a strong way, I don't know about you but I was able to go home, which home for me is Camden, and Route 1 through the weekend was some deserted. We stopped in a couple of different restaurants in Camden and in Bath and they were sending home people, had staffed up for the weekend and it didn't happen. So folks, people are changing their habits. They're really spending their money wisely. They're spending it carefully, thoughtfully and they'd like to support Maine businesses.

So why isn't this a Majority Ought to Pass, in fact a unanimous Ought to Pass? Well there's that little problem of the fiscal note. Now we've talked about dynamic notes and all of that. Obviously Maine's never done this before, so I don't have any facts and figures to give you except that we can look at the other states, which Vermont just implemented their first sales tax holiday last year; Massachusetts has had it for a number of years



because they can know that their citizens go to New Hampshire, so they'd like to keep them home for a little bit.

When this bill first had its work session in the Taxation Committee, we actually did have our initial vote of committee to be I think a 9-3 vote, 10-3 vote in favor. Now I will confess to you that many of them around the table said this is just really a cool idea and we understand but really don't know how we're going to pay for this, but we believe in the concept of what these other states have proven, which is that the money works out, it is not a loss. Because you get this weekend and you promote the heck out of it and you talk about it, people in the State of Maine will move around, they will come out, it will be girls' weekend, meals and lodging and, yes, increased sales overall. In Vermont, after their sales tax weekend, at the end of the year, they saw no decrease in their sales tax income, so it actually did not cost anything. I would like to propose to you that I think that we could do the same and then actually have a bump up. You know, it's really about supporting people. It's supporting retail, it's about support jobs in this economy.

I guess something, I'm a marketer and people know that. Communication is key, attitude is key, and I think there is a story that I'd like to quickly share with you and that is of the hotdog man and the recession. I'm sure, I'd like to think you guys have all heard this before, but it fits so many of the subjects that we're talking about now. This man needed to do something to earn a good living to put his kids through college, so he did a lot of homework and he decided that he was going to open up a hotdog stand. Now his wife thought he was crazy, but he did it anyway and, you know, he took out some savings and he bought a hotdog cart and he bought good hotdogs and he sold good quality products and he delivered every hotdog with a smile. He did so well and more people wanted to buy his hotdogs than he could serve, so he bought another cart, and he made more money and his kids, as they grew up, helped push those carts around and sell those hotdogs, and his thing was that you got a smile with every hotdog. Pretty soon he bought his third cart, his next employee, etcetera, and each year he grew and he added more carts. The big day finally came and he was able to pay for his college for his kids and he sent his son away to college based on the money he made from selling hotdogs. He was so proud the day his son graduated and he came home. They had a big party, all of that. It was time to get to work and he assumed of course that his son wanted to work selling hotdogs. Well, the son had been to college now and he knew that he was a little bit above that, so the father said well, gosh, you've been to college and I haven't, can you at least look over my books? The son says, sure dad, so he looks at the books and he says gee dad, you have a lot of expenses here, hotdog carts, you know there's a recession coming? The hotdog man didn't know what a recession was or exactly what it meant. The son explained what he learned in college, that you need to cut back and you need to save, because these were all things to do. He kind of thought that went against his general premise of selling good quality hotdogs with a smile, so he listened to his son and he cut back and he put some of those carts in storage, he bought a little less quality hotdog and, you know, in a month or two, his sales went down, and he said to his son, you were right, the recession is here and oh my goodness, I'm not making anywhere near the sales. Another month goes by and he cuts back and he cuts back and he cuts all of his advertising, and pretty soon he is back to one cart and he is like the recession is here, the son, oh my. So the son looks at the books saying, gee dad, you're not making any money. Then the hotdog man had a great idea. He believed in his product, he believed in his customers and he said, you know, I'm going to get back to the basics and the basics are

selling a good product with a smile, the best I can do at the time. He went back out there, he beefed up his product, the customers returned, he brought his carts out of storage, he started selling more hotdogs, and he increased his business in spite of the recession.

My friends, the moral of the story is that you have to believe, you have to believe in our citizens of the State of Maine, you have to believe in communications, and you have to know that you will generate excitement for our Maine retailers and our Maine consumers. There's responsible ways to spend and I think we can't necessarily worry about how we're going to do that. We put some parameters on this, and I think it would be a wonderful, wonderful program to do. We need to believe in it, you need to believe the retailers can handle it, and we need to give something for the Maine citizens out there. This is about jobs, this is a jobs bill, and I believe even our President Obama said three weeks ago that, in order for this economy to truly get back on its feet, we all needed to go shopping. So my friends of the House, I would ask for you to vote red on this Ought Not to Pass and allow this proposal to come forward and be considered and for us to sort of fight the day, I guess, on how we handle the fiscal note, and I truly believe that it is a fiscal note that is highly inflated for what is going to be a positive event and heavens help the State of Maine as we enter the summer and fall of this economy if we do not get back to the basics, which are promoting our state and encouraging people to move around and support Maine businesses. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Crockett.

Representative **CROCKETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. When the Taxation Committee first heard this bill, we thought it was an idea, that we should give it a try. But after the revenue re-projections and the difficult budget that we just passed with the many cuts we were forced to make, I can't vote for an idea that something might work. But we'll lose General Fund revenue of \$6,351,600 for FY'10 and '11, and a loss to the Local Government Fund of \$348,400. It's fine to say that maybe or possibly or perhaps this fiscal note is wrong. But the fact is the fiscal note is \$6 million. We have all had the time when we disagreed with fiscal notes, but our rules say that when we pass a piece of legislation, we must assure that the fiscal note is covered in our budget.

Yesterday you folks received a green letter on your desks from the president of Lamey Wellehan. This is a business that operates in Augusta; they operate in Falmouth, Bangor, Brunswick, South Portland and Auburn. They started their business in 1914. They are not a fly-by-night business. The president of this company said, and I quote, "The state needs revenue and there is every reason in the world to turn this bill down. If the state is to find a way to reduce taxes, who doesn't think that's a good idea, then the tax reduction must be done in a way that would attract new industry." That's exactly what the Taxation Committee has been working on for many months, a way to change our tax system to help attract more businesses, and we hope very shortly to come out with tax reform that will attract more businesses. The president of Lamey Wellehan goes on to say this bill is absolutely no good for Maine. His concerns are that Maine's long-term future, not a momentary blurb in sales by a retail community, that will provide no lasting effect for the State of Maine. Again, I remind you that that's a business that's been in business since 1914. So I don't think just passing this bill is something that all businesses in Maine want. Again, I can't possibly support a bill for \$6 million coming out of our General Fund, when we've just asked the Appropriations Committee to

make the cuts they had to make. Thank you very much, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative Celli.

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm rising in support of a nay vote. It said that, as Maine goes, so goes the nation. I guess that explains the lousy economy of the nation. This bill is something, actually the Ought Not to Pass, is something to vote nay on. I have seen this program enacted in other states. It is equivalent in sales to the last weekend before Christmas. For those of you who don't run businesses, that last weekend, a lot of times, means the difference in small businesses whether they stay open all year or not. When it comes to projections of what we're going to lose in taxes, I think we should also spend some time maybe making projections of, if we don't pass this bill, how many businesses are going to go under and we're not going to receive anymore taxes from them. How many people are no longer going to receive a paycheck and how much income tax are we not going to receive from them? I bet it's more than \$6 million. So I request that you think about that very diligently and vote nay on this. Thank you.

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 motion. I must say that I do want to thank the good Representative from Cumberland. This was a very interesting idea that she put forward. We did have a great deal of discussion on this in the state and, being one who shops all of the time, I certainly would be the first one there to shop. But in reality, I will also be there whether or not we have a sales tax holiday or not, Columbus Day weekend, because, traditionally, that's what people come to Maine to do, is to look at the leaves and to shop. So whether or not I pay sales tax or don't pay sales tax, I'm still going to shop because that is what I will do. If you don't have the money to buy things, you're not going to be able to go out and buy it within this economy, whether there's a sales tax or not a sales tax.

I want to address mainly the fiscal note on this. Again, as the good Representative from Augusta told you, the fiscal note on this, a combined of General Fund and other special revenue, is over \$6.7 million on that. We've heard that this, if we had a dynamic fiscal note we would be able to make up for it. We don't have dynamic fiscal notes. All of us would love to have a dynamic fiscal note on our bills, but we don't and that's not how we operate. The truth of the matter is, is that if this bill passes, it will go to Appropriations and we just passed the balanced budget and I don't think that there is \$6.7 million that they are going to be able to find to fund this bill, no differently than on any of our other bills that we have.

The other thing is people will wait for the sales tax holiday. If you advertise it and you promote it, most of the things that you were going to buy because you need it, and we are in a recession, we're not going out frivolously buying things we don't need, you're going to wait for the sales tax holiday. So how are you really going to project that on a dynamic fiscal note that this money will come in? What happens if we do say, okay, we're going to get an extra \$6.7 million that weekend and it doesn't happen, then where are we going to be? I don't want to take that gamble on that.

As many of you know, I am a very big proponent of small business. I vote that way, I get up on the floor and I talk that way. The last several days, including today, I have been a huge proponent of small businesses and going to your local stores and

buying products such as wine or cigarettes, and promoting the small businesses. I say, I want to promote small businesses, but we need to do it every single day of the year and that's why we need to address bills, such as a tax reform bill or any other bills, that helps the small business every day and not just one or two days out of the year at a cost of \$7 million to all of the taxpayers in the State of Maine. So I would urge you to support the motion and 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. I rise today in opposition the Majority Ought Not to Pass and I would like to explain that because, on the Taxation Committee, I actually, on the last day, voted against this. The reason was, and again, we first got all excited about this idea and we said, yes, this is a really good idea, it might encourage some businesses you know, but we needed to wait for the fiscal note. Well, right near the end, when all the bills are coming through and all the fiscal notes for even \$15,000 were being killed, this one came through again, and I agree, with a \$6.3 million cost, plus \$300 some odd thousand for the other fund. But since then, since we voted it out, we actually received, I received, a lot of information and it's encouraging. For the first time, in a long time, our small businesses are energized. The information in the emails and the letters and the people that I've talked to, they're saying, wow, this would be such a great idea, this is something we need, a light in some of this darkness that we've seen.

Our fiscal note process only gives you a one-way picture: it's what it's going to cost if nothing else happens. And what we need right now for the benefit of everyone, including our small businesses, is a leap of faith, a belief that this is something that would actually encourage people to come here to our state that, not only would they purchase and make up for the sales tax that we'll be losing if they didn't, but they need to be having motels and restaurants and lodging and shopping in some of the other things. We need a leap of faith and we need something to encourage our small businesses right now to do, and I urge everyone to think again about the way our fiscal note works and how it's such a dead-end street and look at the dynamics that, beyond that \$6.3 million, we could actually have something here that would encourage people to come for one weekend a year. I encourage people to vote against this. Thank you.

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. As a member of the Business, Research and Economic Development Committee, I rise in support of a sales tax holiday and against the pending Ought Not to Pass.

I'd like to share a quick story with you: My mother works at an antique shop down in Massachusetts, the state south of here, and through conversations with her, the sales tax holiday was brought up. She shared that the holiday has brought an incredible increase in the customers to her shop every year. They spend their money. The thing that she mentioned that caught my eye was that even if they saved a quarter, they were happy, and they would mention this to her. So this was something that she brought up to me just in the course of our conversation last night. Twenty-five cents. Now that might not seem like a lot to some people in this room, but it is to some of our constituents and they're happy, and this rise in customers and sales has definitely increased on the day that they have their sales tax holiday in Massachusetts. In Maine, we need a jumpstart, an incentive, creativity, if you will, in this economy. We

may find that this just might be the thing that brings more business into Maine. As an avid bargain shopper, I know personally that I would plan my shopping accordingly, and I may even spend more than I had originally intended because I won't have to pay a tax. We can throw around so many figures and the true cost of implementing this bill. Do we really know that number? We owe this to our Maine businesses and the shoppers that you know, and please support this bill by defeating the Ought Not to Pass and vote red on the pending motion. Thank you, 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 rise to speak against the pending motion of Ought Not to Pass, because I do support the concept of having a sales tax holiday on Columbus Day weekend, and I'd like to speak to that briefly.

I served locally for about a year on a retail review commission in my own community and this was trying to bring local groups together, our downtown merchants group, our chamber of commerce group, and look at creative ways that we could keep people shopping locally. For our concern in the mid-coast, people were traveling an hour to Bangor, Waterville and Augusta, and the surrounding area. Well, this to me is the same concept of trying to keep the dollar spent locally, but it's statewide. The bigger question is how to keep these retail dollars spent in Maine. When you consider it and I don't have exact numbers, but off the top of my head, I would guess about a third of our state's population lives within an hour's drive of the New Hampshire border. I happen to live about three hours, so you don't catch me over there doing much weekend shopping. But if we can do something that would at least give everyone in this state one weekend out of the year the opportunity to just shop at home because the sales tax has been removed, I think of the tremendous opportunity for us.

The other thing to think of, and again, I draw on where I live geographically; I live in an area of tourism. Tourism is facing a tough, tough year. I've talked with bed and breakfast owners in my area, I've talked with hotel/lodging people in my area and the phone is not ringing off the wall and the internet reservations are not coming in, and I can think of no better opportunity, Columbus Day, which is sort of the traditional end of the tourism season, would be to wrap up this summer with a real great opportunity to bring people into Maine, get them into our B&Bs and our motels and hotels and get them spending other tax dollars, which will probably offset some of the loss of what is there in the fiscal note. So I'm supporting of this. It's great for small business, it helps retailers and it's a little bit of retail therapy. Thank you.

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

Representative **LANGLEY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. You would expect me to rise and talk about the tourism industry. I'm on the Taxation Committee. When this came across, it hits me; I'd like to think outside the box a little bit. Most of the folks have spoken about the direct benefits, but I see a wonderful opportunity to make Columbus Day weekend a green weekend, whereby retailers would promote insulation, caulking and weather-stripping, a tax credit so to speak. Give an incentive to button up and batten down for the winter. We talked about weatherization, how important it is. This could in effect be a great catalyst on a lot of fronts. It certainly is worth a try. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. We're worried about a \$6.5 million fiscal note. Well, let me ask you, where's that \$6.5 million going to end up? It's going to end up in the pockets of the people you represent for the most part. We're going to give them a break. If it's \$6.5 million, that means they're going to spend \$100 million, the way I figure it. Can you imagine that kind of an injection into our economy? Maybe my math is off but that's the way I have it figured. Imagine the retailers: You've got a tax holiday coming up; people are going to be out spending money. You're going to want more than your share of that. Imagine all the sales that are going to take place. So not only is the consumer going to get \$6.5 million off, they're going to get all those discounts off from people competing for that business. That would be a good piece of change in a lot of people's pockets, at a time of year when they're trying to save for heating bills for the next winter, at a time of year when retailers could use the money when it's slow. I think this is a great idea and I'm going to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I am on that committee and I was the sole, lonely vote no, when that first round came and the reason was clear. As you heard from the Representative from Augusta, the mailing from Jim Wellehan was to me, and he ends his statement by saying because it's so terrible and wasteful, it's actually antibusiness. We need to be responsible. We have a lot of things out there that we've cut, that the Appropriations Committee did an excellent job in bringing everything together. We have our roads. We have our roads with so much disrepair we need. We're talking about bonds coming up and now we want to say, well, let's take a change and sink a half million bucks. That dollar is not dollars that it's just going to come for that day. How much do we already have? How much would already come for that day? How much would have just been held back from other days to come? That's what Mr. Wellehan was saying and that's what we're saying. Vote no, it's an irresponsible piece. I offer you and encourage you to vote Ought to Pass on this motion.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I, too, am excited to talk to you about Maine sales tax holiday, a gal's dream come true in a shop till you drop come true reality!

Before joining this Legislature in 2002, I worked with one of our nation's top four buyers of retail surplus and salvage companies, a third generation family owned operation whose home base is our great state of Maine with 14 retail locations throughout.

Some of you may even recognize a few of their marketing jingles that go something like this: *Shop Where the Elite Meet and the Mizers Mingle* or *You Should Have Bought It When You Saw It at Marden's*.

I spent 10 years amongst some of the most incredible high end merchandise that came from insurances losses, closeouts, overstocks, bankruptcy, hurricanes, floods, earthquakes, fires and yes, even sadly enough, from the smoke and water damage of the disaster of 9-11. I often thought that the origination of the merchandise we had was one of the most appealing marketing tools that helped to promote sales. Where did it come from? How did you get it? How much more have you got in storage? We were asked over and over these compelling questions.

Working in several capacities of this unique and I repeat, unique retail setting one learns a great deal about our Maine customers. You learn a great deal about what appeals to shoppers, what counts and what doesn't. After my full bodied, wide spread experience with this company, I felt qualified to go for a Master's Degree in Shoppa-nomics.

Shopping until this last fall was a national pastime, a valid therapy of sorts for many, and often a family recreating activity at our nearby malls. Since that time for most, however, shopping has become an ever increasingly challenging agenda of just making ends meet and getting more for less.

I am sure you have all heard of the lost leader in Shopping 101. That's the eye catcher, the basic promotional product that is sold for next to nothing to attract customer traffic into the store. It works and works reliably well. Does anyone ever recall purchasing a 3 cubic foot bag of mulch during the spring season for .99 cents from our stores locations?

In most locations you had to enter the store to pay for it and what usually happened then? You saw something else interesting, you grabbed a cart, things you weren't even looking for slipped into that cart and so on it goes, until your cart's total way outweighed the original .99 cent enticement.

Likewise, why do you think that Sales and Clearance racks are most often located at the back of the store? You get to walk and wander along all the aisles amongst the non sale items to get there.

This bill suggests a tax holiday which to my way of shopping analysis works on much the same premise as that "little" lost leader does with a much bigger bang for my good constituent's buck.

A high but unknown percentage of our shopping public wants a deal regardless of their expendable income. There is something empowering about searching and finding a valued commodity for less than the expected price.

Hence back to the prevailing philosophical basis for a tax "free" holiday. It entices, it beckons, it wets your lips, it spurs increased purchasing power and equates to all our shoppers here at home and from far away that we have one big sale going on in Maine for a certain time with specified savings.

My testimony may seem a little unorthodox from so many of the other valuable testimonies you've already heard. However, if there is one thing that I can openly guaranteed to you, it is that I am a born shopper, with customer savvy and I am here to encourage, entice, promote and openly market this bill for your fullest consideration and ultimate passage!

I say, let's tear up that fiscal note, just hang onto your "Hats," and let's see what we can awaken, energize and excite in Maine's economy. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative **LEWIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. You've already heard that this is going to help our restaurants and it's going to help our hotels and that's absolutely true. But I assure you, the day that this passes through the House and the other body and the day the Chief Executive signs it, there is going to be every single printed media in the State of Maine is going to be doing special advertisements for this specific holiday. It's going to mean an awful lot to those people in the newspaper business that are suffering just as well, because they're going to get a lot of advertising out of it. It's an absolutely terrific idea and I can't imagine anybody with any commonsense voting against it. I think it's absolutely overdue, it's a very good thing to do, and I hope you'll support this bill that Representative Strang Burgess worked so hard to get passed.

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 can't get all excited like the women and say I'm a shopaholic and get everybody fired up that way, but I did want to stand up, and not to reiterate what some have said, I want to clarify something. Everybody got a piece of mail on their desk yesterday and at least two have made reference to Jim Wellehan today. I believe in the middle of that letter, you all noticed that it said please give my regards to Gary Knight; he's a close friend of mine. Well that's true, but it has nothing to do with opposition on this bill. I'm in the exact opposite position of Jim Wellehan. I think this is an exciting opportunity for the small businesses of this state.

As far as the fiscal note, anybody who's heard—I sit on the Taxation Committee by the way, if any one is not aware of that—but if you listened in at all, you probably heard me say at least a dozen or more times that our fiscal note process needs a lot of work. In fact, early on, I suggested we go with a dynamic fiscal note process. If this bill had a dynamic fiscal note process, it would clearly be a no-brainer. This is an exciting opportunity for the businesses of this state and I encourage everybody in this room to give the merchants an opportunity to show us exactly what they can do and draw in the crowds from beyond the borders. Let's vote for Representative Strang Burgess' bill and defeat the pending motion. Thank you very much, Madam Speaker.

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

Representative **FOSSEL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Less is more. Vote no. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion on "An Act To Designate Sales Tax Holiday Weekends." I am proud to be cosponsor of this bill. I was asked to be a cosponsor of this bill because I was the sponsor of a very similar bill in the 123rd Legislature. I recently heard out in the hall a comment that our fiscal note process is similar to giving a first grader an algebra question. I would have to say that I'm curious about the way that the fiscal note on this bill was put together. I'd also like to say that I didn't come here to represent the General Fund, I came here to represent the taxpayers and the shoppers and the people in my district, and I urge you to not support this Ought Not to Pass so that we can move on to an Ought to Pass motion. Thank you, Madam Speaker.

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

Representative **BEAUDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I certainly sympathize with the intent here. The ability to try and increase retail sales to the benefit of small businesses in Maine is a desirable effort that we would like to realize, but I'm looking for a letter from the Comptroller of Massachusetts talking about their tax holiday last year, in 2008, which was held in August, and the Department of Revenue estimated the amount of forgone sales tax was approximately \$14.9 million. Of course, Massachusetts being a much larger state, one would assume that the amount would be significant. However, the troubling part is later in the letter. It says that the remainder of the revenue impact of the sales tax holiday was a revenue loss from the General Fund, as would it be expected. The Department of Revenue also

estimates that the indirectly raised revenues—income, corporate and other tax—increased at \$1.8 million. So it was a net loss of \$13.1 million. As I say, I sympathize with the idea of trying to come up with an effort to generate increased retail sales but, at least in the Massachusetts case, it would indicate that we would lose more than we would gain.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise again, one to continue to urge you to vote green, but also for clarification of my good colleague and friend from Livermore Falls, Representative Knight. I did put him in a position with that letter and his name was on it and he was not for this then and he isn't now and I want to go on record to make sure that's very clear. It's my apologies to him if any way I implied to anyone that he was part of this deal. But again, vote green.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Madam Speaker. I just wanted to rise one last time to correct a little bit of information that's flowing around. The premise of a sales tax holiday, obviously these states that are doing this on an ongoing basis, what we've learned and what they've learned in doing it, is that they move the holidays around so that they actually have figured out a way to kind of, if you will, trick the consumer so that there isn't a pent up demand, so people aren't actually saving their purchases for a sales tax holiday. Now clearly we're all having this discussion and the media is sort of tuned into it and the consumers ears have perked up. But I would tell you that most of the types of purchases that people are going to make in October are going to be everything from school and, oh yes, I think Representative Langley said perfectly, wouldn't this be a great time to really encourage Maine consumers to go out and get ready for a winter and work on some winterization products and things like that, so there's a way for it to tie into our energy themes and all that that's so important. So in a normal sense, the way the sales tax holidays work is you don't even talk about them, if you will, until about a week or two weeks in advance that they're coming out, just so you understand how this happens in other states. I would sort of tell you that if we were to pass this, I would imagine people would really kind of forget by the time October comes.

I just wanted to end with the concern about this really is a jobs bill for the retail workers and these workers, these hours, are going to be cut. Now is this going to solve all the state's economy's problems? No. This is just one of the arrows that we all have in our quiver. But the retail world does need a shot and there's a lot of folks, this money is very much needed. This is extra hours, extra income or just in fact maintaining what they've had, because I've got to tell you, when we have to cut back in the fall and the retailers start laying people off, they'll be added to our unemployment roles and our unemployment insurance and our health care and MaineCare, etcetera, etcetera, and we'll pay for it one way or the other. The best welfare, Madam Speaker, is a job. 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. You have been caught up in the kind of excitement that the Taxation Committee was caught up in, when the good Representative from Cumberland brought this bill to us in public hearing, along with some of her compatriots. It is an exciting idea. It is something dynamic. You can point to other states, although, as the good

Representative from Biddeford pointed out, the data from those other states sometimes is in question, but it is a nice idea.

I hate to be the grinch that stole the sales tax holiday, but when we looked at the fiscal note we realized we had a choice. We had a choice of either passing this out and joining in the fun, sending it down to the other body, when perhaps cooler heads would prevail, and they kill it so it's not our fault. Or let them pass it as well, swept up in the same excitement and fun, and then have it die on the table. I don't see where we're going to find \$6 million. Whether you want to tear up a fiscal note or not or shake your finger in OFPR's face and say you're wrong, do that all day long, but when you pass out a bill with a \$6 million fiscal note it is going to die on the table. So all the people, all your supporters, everybody that you're pushing this for and promising for and making great plans for are going to be disappointed. You may as well accept your responsibility, which is don't spend stuff you can't pay for, and we can't pay for this and I regret that, but we cannot do it. Please support the pending motion. Thank you.

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. 144

YEA - Adams, Beaudette, Berry, Blanchard, Blodgett, Boland, Bolduc, Bryant, Butterfield, Cain, Carey, Cohen, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eberle, Gilbert, Goode, Harlow, Haskell, Hinck, Hogan, Innes Walsh, Jones, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Peoples, Perry, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rotundo, Russell, Sanborn, Schatz, Smith, Stevens, Stuckey, Sutherland, Theriault, Trinward, Valentino, Wagner J, Wagner R, Watson, Webster, Welsh, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaudoin, Beaulieu, Beck, Bickford, Briggs, Browne W, Burns, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Eaton, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Giles, Greeley, Hamper, Hanley, Harvell, Hill, Hunt, Johnson, Joy, Kaenrath, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nelson, Nutting, O'Brien, Pendleton, Percy, Pinkham, Plummer, Prescott, Rankin, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Shaw, Sirois, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Tuttle, Van Wie, Weaver.

ABSENT - Connor, Hayes, Treat, Wheeler, Willette.

Yes, 65; No, 81; Absent, 5; Excused, 0.

65 having voted in the affirmative and 81 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-400) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Monday, June 1, 2009.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-444)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Provide for 2 Veteran Service Officer Positions"

(H.P. 570) (L.D. 834)

TABLED - May 28, 2009 (Till Later Today) by Representative TRINWARD of Waterville.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Representative TRINWARD of Waterville moved **INDEFINITE POSTPONEMENT** of the Bill and all accompanying papers.

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

Representative **TRINWARD**: Thank you, Madam Speaker. I would like to publicly thank the Appropriations Committee for their willingness to work with our committee and find a way to fund one veteran officer position in this difficult budget. The position will help Maine by bringing more dollars into Maine for veterans through their claims, and by getting more veterans off MaineCare and into the veteran health system. This could not have happened without the hard work and cooperative manner that the Appropriations Committee approached this issue and worked so diligently with our committee to find a solution. From all the members of Legal and Vets and the veterans in the State of Maine, we thank you.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature

(H.P. 123) (L.D. 144)  
(C. "A" H-135)

TABLED - May 7, 2009 (Till Later Today) by Representative PIOTTI of Unity.

PENDING - **PASSAGE TO BE ENGROSSED.**

On motion of Representative FLOOD of Winthrop, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-135)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-252) to Committee Amendment "A" (H-135)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This House Amendment (H-252) makes two corrections to the amended bill that this body approved three weeks ago. As you may recall, the bill, LD 144, as amended by the committee and approved here on its first vote, proposes to reduce the membership of the House of Representatives from 151 to 131 members. I asked for this bill to be tabled after that vote because I felt it was important to make these two clarifications before sending it to the other body.

The first change is to clarify that the legislation becomes effective with the 2014 election, after the next scheduled reapportionment of districts. That had been the intent of the original bill as presented to the committee, as well as the amended version, but the language required that to be spelled out more clearly and this amendment accomplishes that.

The second change is to remove an inadvertent residual reference to the other body. Since the amended bill, as amended by the committee at the suggestion of the Representative from New Gloucester, Representative Van Wie, has no effect on that body. It was important to remove that short section before sending it to them for their consideration. The House Amendment before you makes no further changes and establishes the final form of the bill for this body's consideration. Thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-252) to Committee Amendment "A" (H-135)** was **ADOPTED.**

**Committee Amendment "A" (H-135) as Amended by House Amendment "A" (H-252)** thereto was **ADOPTED.**

Representative PIOTTI of Unity **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED.**

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 Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Since the reading of this bill three weeks ago, I did a little research. The House has been at the same size since 1843, and I ran a few numbers. In 1843, Maine was, in relation to the rest of the nation, at its apex. There were eight Congressmen from Maine. There was one Representative, when they made it 151 per 3,300 people. This was when there were no railroads, very poor roads, no television, no radio, etcetera, etcetera. Since that period of time, Maine's population, at that period, was 500,000. There were 700,000 sheep in the state. In 1900, our population went to 700,000, the representation changed to 4,600 for this body. Our Congressional Delegation was at four, which is 175,000 per Representative. In 1950, we went to 900,000. That changed the Representative's role to 6,000; the Congressional Delegation was at three, that was 300,000. By 2010, our projected population is 1.3 million. That would change this body's representation to 8,600. Our Congressmen now is 650,000.

The amenities that we have in 2009 versus what they had in 1840 cannot be calculated. They had run for election every year until 1880. They had to do their constituent work from horseback when they got back home, because they had to spend their time down here, because they couldn't race back and forth every day. This bill is not an undue convenience. It would represent an increase of 1,400 people per representation and if any one can look themselves in the mirror and say I can't take upon myself a workload of 1,400 people when I have a laptop, a phone, a television and a radio and, by the way, electric lights, when in 1840, they could do work that by today's standards is immeasurably more. I think that that's not a thing.

To the other side of the aisle I say think of this bill and hearken back to 1840. It was when Hannibal Hamlin was a Democrat, Lincoln was a Whig and none of us existed as the Republican Party. Vote for this if for no other reason than you want 18.6 more inches of leg room when it's done.

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. It's difficult to rise after that. I'd like the 18 inches, that's where I shoot my seatmates. Originally I voted for this bill, but I thought about it and went home and had a little counseling from some of my constituents, and I will change my vote today. I have a rural area as most of you know. It takes me an hour and a half to drive around it. Now if my good friend Representative Harvell would let me use his horse, it would probably take me a little bit longer, because I'd probably get thrown from it four or five times on the way around. I often joke at home that my seatmates have eight traffic lights they have to go through in order to cover their 8,000 people. I think many of you know in fact that I spend a lot of time out with my constituents, because they really need that kind of representation, they need to know somebody cares about them. If you make a district bigger, like my district, it will take forever to get around it. It might be as big as Representative Pinkham's district which is humongous, and Representative Crockett's, who actually covers the top of my district and it takes him longer to drive around. We are still in many ways a rural state and I would



ask you to turn down this recommendation. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Crockett.

Representative **CROCKETT**: Madam Speaker, thank you for the opportunity. Madam Speaker, Ladies and Gentlemen of the House. When I was 16 years old, I worked on a campaign for a guy who was running for Governor. He had a 99-33 plan—members of my caucus have already heard this story—and it was to reduce the size of the House to 99 and the Senate to 33. When I was 16, I thought that was the greatest thing on earth. On its face, it looked like efficiency, it looked like it just made so much sense, it was going to save so much money. It was so last year, I was campaigning up in Kingfield which, by the way to get to, I have to either go to New Hampshire and then cross through my district and then drop through Representative Pinkham's, then go to my Kingfield, or I have to go through three other legislative districts to get to. I'm knocking on businesses and I come across this attorney and I ask him if there's anything I should be working on. The attorney was from Portland originally, but he's like oh no you're all set and I go down the road and he chases me down. He approaches me and he yells "The size of the legislature." I was like, well yes, we need to reduce it. Efficiency, set an example for our people, restructure. He turns to me and he says "No, I'm in Kingfield talking to a guy from Bethel. How often are you going to make it up here?" That's the reality. If you want a citizen legislature and you want to keep it part-time, you keep it the same size. It doesn't make sense for those who have the expectations it's going to reduce the number of bills, that's not going to be the case because we're still going to represent the same amount of people. For those people who really want efficiency, you could do away with the House all together and just have the other body do everything, but that's a little radical for us. If you really want real substantial savings, cut our insurance benefits. No other part-time job in the State of Maine has health insurance like we do and I'm sure we can all attest to that, or take the pay. I noticed everything started to quiet down there when I said that, but the reality is if you want to keep a part-time Legislature and you still want to represent the people in rural Maine the way we do now, we need to vote against this motion. Thanks.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. I rise also to change my vote and to explain why I am doing so. It's nice to know that I'm not alone in the halls here today. To everything there is a season and, from some of us, there's a season to vote for this bill and there's a season to vote against it.

I have great respect for my colleagues on both sides of the aisle who have championed this issue and have brought it before us again this year and I think have come up with a bill that I certainly could support and in fact have supported. But today, I think that we have changed in our understandings of both of what the bill does and also of where we stand and the actions that we have already taken in this Legislature. We all want to lead by example and yet, Men and Women of the House, Madam Speaker, we have already led by example with the budget that we just passed a couple of days ago.

The bill before us would save less than a million dollars, and yet we found \$4.5 million, close to 10 percent of our legislative budget was cut in the budget that we just passed. We are leading by example with respect to costs, and I would remind you and remind the public as well, Madam Speaker, that the legislative budget is less than one percent of our overall General Fund budget, so the cuts that we have made already run deep. I

want to list just a few of them: We have eliminated the legislative COLA, the cost of living increase. We have included ourselves, the Legislature, in the health insurance adjustments that we have required of state employees. We have reduced the length of the legislative session by a week. We cut travel by 50 percent, we cut the study table by 50 percent, and our staff will be subject to the same sacrifices that we have asked our state employees to make, our staff who work so hard for us and help us to get the job done for our constituents and for the people of Maine. Shutdown days will be included in that, merit pay and longevity pay will be included in those cuts. So there is new information before us, and I would remind you Madam Speaker as well that, thanks to your leadership and the leadership of both sides of the aisle, we managed to cut the new bill introductions this session by roughly 30 percent. We have been extremely efficient. Committees have been extremely efficient in how they have processed those bills and we all hope that we might even be out of here a little early this year, and I say that at the risk of jinxing ourselves. But we have certainly been efficient, and I think that Yogi Berra said it best when he spoke about structure and the tools that we use versus the actions that we take. What we've done is use the actions that we take. Yogi said, "I never blame myself when I'm not hitting. I just blame the bat, and if it keeps up, I change bats. After all, if I know it isn't my fault that I'm not hitting, how can I get mad at myself?" Now clearly reducing the size of the Legislature is a little bit like changing bats, it's a way of allowing some people in the future to work with a different structure or requiring some people in the future to work with a different structure to try to represent the people of Maine as best they can. But I think, Madam Speaker, that we've already taken some actions that allow us to go home to our people and to say, yes, we have led by example, we have trimmed the size of the budget and made the same shared sacrifices that we've asked of the entire state to get through these tough times. This is new information, Madam Speaker.

I want to just end by reminding us all that once we make a change in our Constitution, it's very hard to go back and I think we all learned that with the change in term limits. It was a very popular measure, but it had some very unintended consequences. Madam Speaker, Men and Women of the House, thank you for listening.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Wagner.

Representative **WAGNER**: Thank you, Madam Speaker. I, like the good colleagues from Wilton, Bethel and Bowdoinham, supported the bill initially and now will change my vote, pretty much for the same reasons. If we want to maintain a citizen legislature, we should not increase the number of people who we represent. If we want to cut the number of bills, there is an easier way to do that, we just put a cap on the number. We have already made some very good efforts, as the Representative from Bowdoinham attested to, to cut our budget, so I will be not supporting the decrease of the number of Representatives. Thank you.

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

Representative **VAN WIE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House. Madam Speaker, we have some very real fiscal issues to deal with this in this Legislature for years to come. Yes, we just passed the budget, but the pressure to address the fiscal challenges of this state, the pressure is no less. This bill is about change, change that we must make. Not just because of the recession, which is a short term hopefully, shorter term issue, but because of the long term demographic and structural changes we're seeing in our state. The population

in Maine is getting older. We're one of the oldest states in the country. Our health costs are skyrocketing, there are fewer kids in our schools and it's tougher for our citizens to pay for the type of education that we need to compete in the world market. Our incomes are not keeping pace with the rising costs of some of our services and our constituents are struggling to pay their fuel bills, their property taxes and their income taxes. So the voters are asking us to find ways to reduce the cost of government. The budget we just passed, we can congratulate ourselves for a very difficult and painful job, but it is a reminder of how difficult and necessary this task is. Looking ahead to the next budget, and the next, and the next, this bill is a modest but very important and, yes, symbolic opportunity to make a change, but it is not just symbolic and it is not just leading by example. As my good friend, the Representative from Bowdoinham, Representative Berry, has said, there is new information and we did make some changes, but I would say those are short term.

So why are we debating this bill and talking about a smaller House of Representatives? I know this is a significant change, but we're talking about this because we have to. Maine's population and economy is changing and we need to change with it. The people are asking us to do what we just asked every department in state government to do, and what we're asking every local government and every school district to do: find ways to deliver essential services in a different way at a lower cost to taxpayers. So we need to ask ourselves, is it necessary to have the same number of Representatives in 2009 as we had in the 1800's? Is this efficient? Is it effective? Is 151 any more correct than 131? People have asked me where did 131 come from? Why that number? Well, I wanted to propose a change that would generate significant savings but would not change the fundamental way that the House functions. I also wanted to propose a reduction that would be largely overshadowed by the impact of the upcoming census and the redistricting. I think the political impact, which I have to say that maybe the unspoken elephant in the room is the political impact of this change; I think it would in fact be overshadowed by how the districts are drawn. So I think 131 is a reasonable proposal to look for change. How important is it that we only have 8,400 constituents versus 9,600, when we're in fact reducing a wrongfully accused person's access to the courts or perhaps a troubled teen's access to mental health services.

Madam Speaker, the savings from this bill would be relatively small but significant. After living through this budget process, I have to ask my colleagues: If you had \$1.5 million to put back in, what would you spend it on? Would we spend it on higher education? I'm sure we could do a lot with \$1.5 million in our higher education system right now. Would we spend it on early childhood programs? Or we have a bill before us where we created funds for wastewater treatment plants, our Wastewater Treatment Fund, but we have no funds to put into that fund. I think \$1.5 million, biennium after biennium, would help out on that problem. So rather than say how much have we cut, I think we need to say what would we do with the money and compare it to how important is it to have 20 more people in this body.

The bill asks the people of Maine to vote on a proposed constitutional amendment. It's a very significant decision, but it's a modest proposal. It's one that will not make a fundamental change in how the Legislature operates. It will not create a professional Legislature, as argued by the very colorful, but I would say completely irrelevant, handouts that you've been receiving for the last two days. I've studied those and I've tried to figure out how in fact they argue in favor of professional-like Legislature, when we're going from 151 to 131 and I really can't see how the data support that argument at all. It will result in a

very modest cost savings while increasing efficiency. It won't change how we interact with our constituents, it won't require new staff, and it won't compromise the diversity and viewpoints of people in the chamber. If we're concerned about whether our constituents will lose contact with a citizen legislature, we should raise that issue and let the voters decide. If we're concerned about rural versus urban representation, we should raise that issue and let the voters decide. Madam Speaker, this bill isn't about us. It's isn't about how many doors we have to knock on or how many phone calls we have to answer. One thing I've learned in my six months here is that there will never be enough hours in the week to do everything we could do, to study every issue, to read every report, to recognize every good deed by a constituent or provide an informed reply to every communication. Whether there is 151 of us or 131 of us, we will fill every available hour doing the very best job we can. So to take on the challenge of the next decade, we need to make some changes and we need to do the responsible thing and find efficiencies everywhere we can. I think it's irresponsible for us to simply say not us, we're too important. We can adapt to the new reality and we must. I urge your support, the proposed referendum, and allow the voters to decide on this issue. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of LD 144. I submitted a similar bill and am very proud to have joined Representative Van Wie in cosponsoring Representative Flood's bill. There is a lot I had planned to say, but most of it's been said already. So I'm just going to say that some of those who oppose this bill, oppose it in fear of losing their legislative position and I would be very concerned if that's the reason that someone votes against this bill. If you do a good job and your constituents are happy with you, you will be back. We need to remember one other thing and that is all we're doing here is authorizing the citizens to vote. Is that mob rule? Well, we're elected by mob rule and if the citizens decide we should go to 131 legislators, then let's let them make that decision. I urge you to support the passing of this bill.

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

Representative **JOHNSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This is an idea whose time has come and overwhelming support in my district is to lower the cost of the Legislature and the size of the Legislature. I've had no one tell me to increase it. I have the second largest House district. I enjoy driving my big, red truck around that district. I enjoy going to the bean suppers. I enjoy going to the town meetings. The people know me; they know how to get in touch with me. So I think this idea of not being able to do the job with 20 less legislators is a red herring. Thank you.

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

Representative **BEAUDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. When we first voted acceptance of this report, it was a count of 122 to 23. By anybody's measure, a one-sided vote. It appears that there is some change of heart here on a number of those members of this body who opted to support this report at that time. Sometimes when we have an idea come before us that seems very attractive, we vote with our gut, and then sometimes we change our mind and many times when we change our mind, we wish we hadn't, we wish we had gone back to that first inclination. I'm hoping that some of the folks who seemed to have changed their mind at this point will realize that that happens quite often,



maybe more often than we care to admit.

This would save admittedly not a larger sum of money but a significant sum of money, and there should be some additional efficiencies, which should come in the form of either, one would hope, less bills that would be submitted, although I recognize from a previous statement that we're representing the same of people, but we still have to generate the bills ourselves. We also would have less duplicate members on committees and I think that's a better service for our constituents, when we have public hearings, that all of us will have less conflicts, that we're more likely to be present at that public hearing and hear the statements of the public that come before us. As the good Representative from Farmington stated earlier, we've had 151 members since the 1840's and of course much significant change has occurred since then, particularly in modern communication methods.

There is a concern that was expressed that we wouldn't be able, even with all these advances in modern communication, that we wouldn't be able to serve our constituents as well as we do now, and we have a number of documents, multicolored, as was referred to earlier, that talked about the possibly or at least the undesirability of going from the people's House to the professional's House. Well I fail to see how going from roughly representing 8,440 people to 9,700 people, which would be an estimated increase of 1,260, without making an other changes as far as how many days we're going to be here, how much we're going to be paid, how much more staff we're going to receive, that somehow we become a professional Legislature as opposed to a citizen's Legislature. Many of these documents that were distributed talked about legislatures that are two-thirds to full-time. They talk about how much salary they make because they're full-time positions; how many constituents they represent, which all of them are significantly more than the roughly 9,700 that we would represent as we go further; and the states that we use to compare I think, are, quite frankly, not relevant to the debate that we have before us. Granted New Hampshire and Vermont have significantly larger, I mean Vermont has 150, New Hampshire of course has 400, it's very unique, but that may be more a reflection of how we look at governing in New England. In New England and New York, we have municipalities, many municipalities. We don't govern from the county level, which is done in most other states. So there is that desire, obviously, to have that closer contact. I think we still maintain that closer contact, even though we adjust it, again, by only 1,260 people.

There has been discussion about geographically how much more difficult it would be to represent that additional 1,260 people. Well, if you're going to compare our Legislature to other states rather than comparing us to much larger states, with full-time or at least two-thirds professional legislatures, which have significant staff and their own offices and a number of other appurtenances that you would gain if you had a held office in one of those states. The more valid comparison is states that are relatively close to us in population that also have citizen legislatures. The ones immediately close to us in population would include states like Idaho, West Virginia, New Mexico, Montana and Nebraska. In Idaho, they have a 70 member House of Representatives and a much larger geographic area. Apparently, they are perfectly capable of representing their constituents, even though it's a much larger geographic area. West Virginia, I would say, was probably about our size geographically, their House has 100 members. In New Mexico, much larger geographically with 1.8 million people, 70 members of the House of Representatives. In Montana, they have 100 members of their House of Representatives for 900,000 people. I forgot to mention West Virginia 1.8 million and Idaho is 1.3 million, virtually the same population as the State of Maine.

Nebraska is even more unique. They have a unicameral legislature. They have 49 members of their legislature that represent 1.7 million. Somehow, are we less capable, are we less able as Mainers, independent as we are, with the spirit that we have, with the will to govern efficiently with the will to represent our constituents to the best of our abilities, are we not able to match the ability of legislators from these other states to represent many more people and much wider geographic areas? I would say that we are absolutely up to the task of being able to represent another 1,300 or so representatives, do it very effectively and demonstrate to the citizens of the State of Maine that we are efficient, we are effective, and we represent our constituents well and to the best of our ability.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'll try to be brief. This is a very popular issue. If you listen to what people are saying, I think it goes something like this: They ask me why does Augusta keep on taxing me more and spending more of my money? Then the logical conclusion is, well if we had fewer of you down there, you would not have as much opportunity to keep doing that. There may be logic to that, but I would contend, I can remember one of the first people I went to work for. He said, "Your job is not to tell me what I want to hear, but tell me what I need to hear." I consider that what our job is from the people and reporting to the people who hired us. They hired us to be their representative, their eyes, to make sure that we were providing the critical oversight, the critical analysis and the informed decisions when we decide pretty much their future in many cases.

Now it is very easy. I could write the newsletter. I voted to reduce the size of the Legislature and I'm going to save you all kinds of money, but I, the more I thought of it, that was tempting to do but, you know what, I don't believe it's the truth. I believe the real facts are these: If there is 20 of us less here representing the people, providing the oversight, asking the questions, doing the analysis, we've essentially said, you know, our role isn't that important, we can show up, we can let state agencies tell us what they want us to hear, and maybe we're more of a token effort. I don't believe that, I don't believe you believe that. We have got a very critical job, very important job. Now do I do my job 100 percent? Absolutely not. Do I wish I had made another decision, do I wish I had read a little bit more before I made a decision? Yes. But in good faith, I cannot sell a product to the people of the State of Maine and make them believe that they're going to be taxed less and their money is going to be spent more efficiently. If we really want to cut our costs by 11 percent, here is a couple of ideas: 18 days a session. Maybe we would work a little longer, maybe we work a little harder and we're out of here the 1st of June rather than, hopefully this year, June 12th and I commend the Speaker, because I think you're going to do it, Madam Speaker. I contend that we need to improve the productivity of what we do, do it better with greater quality and simply reducing a number will not produce the results.

Now I know that when I get home everybody's going to say you changed your vote, you flip-flopped, you folded like a cheap suit, whatever phrase they want to use. But in good conscience, I can tell them I would much rather have 20 more pairs of eyes, 20 more people asking questions, 20 more people looking at ways to make government more efficient and hopefully make more informed decisions than I would to tell them what I want to hear. I think this is, it would be a really exciting thing to have it in the newspaper, but in good conscience, from what I've learned

and I'm in my fourth term, I think we have a great job, all of us do a great job and we can do a lot better and cutting down on 20 people is not a solution to the problem. There was an old class of problem solving and I'll end with this: state the problem as it seems, get the facts, restate the problem. I think what we need to do it restate the problem. Is it us? Are we doing such a terrible job that 20 of us shouldn't be here next time, because we don't do enough work, we are nonproductive? There are days I could probably make that judgment myself, but it's not because there's too many of us. I contend it's because maybe we don't have a chance to focus in the right areas. Thank you very much, I appreciate your attention.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I want to tell my story that I tell every year about Mark Twain. Mark Twain said giving a speech is like drilling for oil. If you go more than five minutes, you're boring.

When I saw this vote come first, I was embarrassed because I had never seen a spreadsheet on any of the savings that we're going to have, so I went right to Commissioner Low. He said there are little or no savings by doing this, we're going to need more staff. And this also won't affect my district very much because there are people all over the place, but he did say some of the districts, for example, Greenville, will be the size of Rhode Island and that will be a small district compared to the one up in Rangeley. I will be voting against this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Cohen.

Representative **COHEN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. We have asked every one in state government to do more with less. We legislators need to step up to the plate and do the same. This is not a move away from a professional Legislature or move away from a citizen Legislature. We need only to look at the other body, who earns the same, works the same and has four times more constituents. We can add a few more constituents and represent them well. I urge you to support reducing the size of the Legislature. Thank you, Madam Speaker.

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 must rise to speak to this issue because it's a very important issue I think. It's one that I've been concerned about before I came here. As I went around campaigning, I heard a lot of comments from people, but the two that I heard most frequently were "What on earth are you folks doing down there in Augusta?" and "What are going to do to make state government more efficient for us?" So those are two very common statements. The interesting thing that I'm thinking about right now, they were bipartisan statements, just as the debate that we are hearing here today has nothing to do with parties, it has everything to do with what the people that we represent expect out of us. I question as to whether or not we're talking about an insignificant amount of money that we'll save. I don't think there's any way to know how much money we'll save by cutting 20 of our positions, I think that will only be known after we do it, if we do it, and I think it will have a way of snowballing. I think you'll see an increasing amount of savings as a result of 20 less people in this body. I was taught a long time ago in my profession that if you want to lead, then you learn to lead by example, and I think that's what this is all about. We've gone through some drastic cuts here, we've made some tough decisions that will affect a lot of people in our area, a lot

state employees, and I don't think this decision is too drastic to make. We need to set an example that's not just symbolic, but the symbolic part of it is important. It's also going to be meaningful and I think it would be a good thing. If it means my position, so be it. I don't think that's what my constituents are concerned about. They're concerned about efficiency so that things are done in a more efficient manner on their behalf and that's what we're here for. I think it's time to move ahead and make this decision and I think it's time to put this in front of the people, if that's what they want then that's what they'll vote to do. If they don't want to do that then you've lost nothing but trying. So I would urge you to support this bill. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Pratt.

Representative **PRATT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I can say I'll try to be brief. Twenty fewer members of the House. What does it mean? Could we do it? If this passes will we do it? Yes. But will that be a positive thing for the people of your district? To me, I question that. I also question that this only one attempt, this one idea is what we're talking about. Reduce the size of the Legislature and just the House of Representatives, not the other body. To me, I question that as well a little bit, I guess. Maybe I'm a little biased and I question people saying I think it's feel-good. When I go back home and I talk to my people, and I heard exactly the same things you folks did when I knocked on the doors. There's too many of you down there, you're wasting our time, you're wasting our money, get rid of half of you. When I sat down and I explained to them, I said, I'm sorry, I disagree with you. I think that you reduce the size of the Legislature you reduce your voice in government and, at this time when you're talking about all the cuts, I think we should be opening up avenues to state government, not shutting them down, making it more difficult. You say, hey, we can get rid of all of us and just go with one body or the other and you're still not saving that much money and what are you losing?

A couple things I'd like to talk about. I definitely enjoy the good Representative from Farmington, Representative Harvell, because I am a history guy, a history major, that's what I'm into, and he's absolutely right when you talk about numbers. But I would also like to point out that, in the 1840's, you didn't have to worry about women constituents because they didn't get to vote, and you didn't have to worry about minority constituents because they didn't have to vote, so of those 3,000 people you were representing, the people who were voting for you were significantly less. We can say that we should be representing all of our people and I like to think that I do, but you always want to make sure you hit the people that are going to go vote when you knock on doors. Fourteen hundred, twelve hundred more people, I've heard a bunch of numbers. For me, that's two or three more towns. It might not seem like a lot, but that's two or three more town meetings, two or three more select boards, two or three more school budgets, school committees. I have a hard time as it right now in a citizen's Legislature, being down here as much as I'd like to be. Now I apologize to my constituents about it, because I also have to work. I can't do this solely, I can't. I would love to. I think I would be a better representative to the people if I could, but I can't.

Now I also think that the idea of a citizen's Legislature is something we should espouse, that's something that we want, very different groups of people, different backgrounds. I think the Clean Election Fund and these things that we've supported in these bodies are good things. I think they help get people here who want to be here and who will do a good job for the people.

When you're talking about 20 fewer people and that's it, I don't think that's the debate we should be having. I think debates about efficiency are good to have. I think talk about, if we're talking about the size of this body, we should be talking about the size of the other body. I think if we're talking about simply reducing the size of this body, we should be talking about term limits; we should be talking about a host of other things. I worry that the Executive Branch in this government has gained a lot of power since term limits have come into effect, and I agree wholeheartedly that more eyes are better, more people down here keeping an eye on what's going on is a good thing. If this passes, we will do it, no doubt in my mind, and the people that are left here will work just as hard, if not harder, than they are now. But I ask you once again, if you truly believe that's going to benefit the people of your district, then vote that way. I can go home to my folks, as I have before, and I've said it already, I can go home to those folks and I think I can say that we've made an effort, that we've cut ourselves back, that we're trying to be part of the solution, but that democracy and our democracy and the citizen's Legislature is something we're preserving. I thank you for your time.

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

Representative **FOSSEL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I promise to be not quite as brief as I was last time. This is an interesting thing that's going on here. What we find normally is we have highly organized citizen's lobbies that produce piles of postcards or whatever and, here for the first time I've seen in a long time, we actually have people talking to us about what they care about, not what some group cares about. So what I see happening here is we can kick this can down the road to another Legislature and we may well do that, but if I were a lobbyist out there looking for a cause to take before the voters or take back to the legislators in another two years, boy this is a ripe one, because I can tell you that overwhelmingly my constituents believe in this and want to vote on it and want me to represent them and that's what I intend to do and I intend to vote for this. 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. This being about representation, I just had one idea that I wanted to put before you and that is that when we reduce the numbers in the House, of course, we increase the importance of the powers that be, the state agencies and whatnot, and that's one way we would diminish the voice of the people that we represent. Another way I'd like to have you think about it is that for those of us here who are average legislators, like myself, who don't chair a committee, when we push our light, we get one vote. When the chair of that committee pushes his or her light, they get 16 votes because, with little exception, all the chairs vote together and so does the leadership. Now we all respect the hard work of the chairs and we look to them for guidance, but relative to some people in the Legislature, we don't all have the same voice and so, as we make this kind of a change, we diminish the voice for those of our constituents who are not represented by chairs. I'd also request that the Clerk read the Committee Report.

Representative **BOLAND** of Sanford **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The SPEAKER: The Chair recognizes the Representative from Mount Vernon, Representative Jones.

Representative **JONES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I stand in

support of this resolution and I don't have much new information to add other than those who have stood and supported it, but I just want to say that I think it is time that we show an effort to be as efficient as we can and not to be self-serving. I want to remind you that this resolution is only to send this to the people to make the decision. I wonder if we're not too close to the issue to be truly objective about this vote. I've had people in my district speak on both sides. They've come to me and said "We don't want to enlarge our district. We want more participation or connection with our legislator." There are others who have said, "Yes, you need to become more efficient and you need to make the district larger." So I am thinking of them and how the vote will turn out if they the people go to the polls and vote on this, and I want them to have the right to do that. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Blodgett.

Representative **BLODGETT**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I rose the first time in support of this bill and I do, again, I feel in a way that we're still talking about wine with a different spelling today. I never really looked at this as an issue of just money. I look at it as a change of doing things, as the state workers, I'm sure, are worried about doing their jobs now in less time. We approved that. I think that we should look at ourselves and think of the ways that we can do our jobs as well with less. We are the people's Legislature and I hope that we let the people decide. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Hinck.

Representative **HINCK**: Thank you, Madam Speaker. All the Members of the Maine House of Representatives, we voted on this a week ago. The tally was 122-23. I was in the majority a week ago and I have had some conversations since. One was very notable. A constituent, a former member of this body, not someone who I understand anyone served with because his service was awhile ago, we had a phone conversation and he told me over the phone that my vote was stupid. He said that was a bad mistake, you really shouldn't do that. He said it's going to hurt Portland. Then he proceeded to tell me, and I listened for 25 minutes, how it was going to hurt Portland, how the committees were going to be affected, how Portland is barely keeping its own in the Legislature, how it's such a struggle for Portland, how a smaller Legislature was going to be a problem for Portland in asserting ourselves in leadership, about being represented in committees. Twenty five minutes, I'll spare you. He went into great detail. At the end, I said I'd listen pretty closely, I had two answers. The first one is I feel I'm doing my job to represent my district and that includes watching out for the interests of other people in Portland and the City of Portland and I think I do that well, but I feel as though what we do here is for the State of Maine. When we decide something like this, it's going to affect the State of Maine for many, many years. If he is right, it's temporary for how it might affect Portland. But over and beyond that, the second answer to him, I said I think that analysis was totally mistaken. I cannot figure how this would hurt Portland anymore than anywhere else. To me, it's like taking some water out of the bathtub. It's not going to hurt the back of the bathtub or the front of the bathtub or the middle of the bathtub. We would go from 151 units of fluid down to 131 units, and we would redistribute the responsibilities, we redistribute any power and authority we have. So I was with the 122 last week, a week later I'm still there. I did hear from other constituents and, by in large, their words could be summarized with a big thumbs up. We would like to see the Legislature a little smaller.

There are two questions in my mind: The first one is can 131

Representatives do the job for the people in Maine in this body? Can 131 people do what we take 151 to do today? I'd say looking at what we do and how we do it the answer would be yes. Looking at other states, and we've gotten some literature on other states. It hasn't gone by in large to the issue. We are an outlier. We represent fewer people than almost all legislatures in the country. We represent fewer people than states that are smaller than us geographically, than states that are larger than us geographically. We represent fewer people than states that have less population and have more population. We represent fewer people than some that are professional and some that are not. We have a sheet that lists all the professional legislatures, that's about nine, some people count eleven. Most of them are not. We are an outlier state in terms of how many, how few people we represent in our Legislature. I believe that democracy flourishes in those other places, I like the way Maine does it, I wouldn't want to see us change things radically, but making this small change in the interest of the people of the State of Maine is still a good idea. I think I'll keep my vote. Thank you. I hope my constituent is actually listening and we can continue this discussion. I hope I'm going to be able to demonstrate to him that the Legislature functions just as well with 131 members and that the City of Portland is going to be doing just fine along with the State of Maine. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Schatz.

Representative **SCHATZ**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I was not the person who talked to Representative Hinck's constituent. I'm innocent. I'm always intrigued that the assumption that reducing in size or consolidating is somehow a pathway to efficiency and the savings of money. It seems to be a theme that we all have been part of, or at least my five years here. Also, the discussion about comparable states and the size of the legislatures, and I would only question how effective are those? We don't get into that. I think that those of us who represent the 8,400 people feel that we work hard to do so. Whether that's true of these other legislatures that have different sizes and different size districts and I'm not sure, so I don't think those discussions are as relevant as we think they are.

Finally, I would think that the idea that we're just putting this before the people, I think that's more significant than one might think because we're leaders, we are elected to make decisions, and we're not going to put something out in a frivolous way to see how do they think. I think our constituents are going to feel, to some extent, that if we put something out there, we might think it's a good idea. Women and Men of the House, I don't think it's a good idea. I don't think there's any basis, the experience that we've heard or the recommendations being made, that would lead us to such a conclusion. So I'm still in favor of opposing the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just a few clarifications on some of the discussion I've heard over this event. One is that we're moving towards a professional Legislature. If size, if moving more people under a legislative district means that we've become a professional Legislature or move that way, that would mean, since 1843, we would have bred ourselves into a professional Legislature. We haven't.

To the good Representative Pratt: A constituent is a constituent, whether it was in 1843 or now. I serve a constituent who is my wife. She can't vote. I didn't give her the right to yesterday. She's from the Netherlands. Representative Russell

spoke of people who aren't citizens and yet they are our constituents and we serve them.

For those that worry about taking upon themselves more work and more constituents, look around. Some of these very people that are doing this want to run for the other body, which will take upon 4.5 times the size, and both bodies have people that have been in both bodies and even though there are over 30,000 constituents in that body, it pays the same, they still desire to do the work and when you talk to most of them, it isn't that much more.

The reality is that this sets this vote five years away. For those that maybe have got our their map wondering what the districts may or may not look like, the reality is we don't know what they're going to look like because there's going to be a census in 2010 and that's going to shake itself out. This is the timing to do this. Most importantly though, the people that don't get a say in this, unless we give them a say, are the voters. We are merely putting this out to them saying do you desire a constitutional amendment to change this, and if there are people that say they don't want it then it's no problem. But the reality is we all pretty much know what that vote's going to look like, so if you don't think they want it give them a change to say no.

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

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is a bad idea. Now don't get me wrong, I know a lot of people outside this body feel it's a great idea. My wife thinks it's a great idea. I would think it's a great idea if I could pick the 20 of you who are going to go. But look at your own workload. When you sit down in your committee, how much time do you waste trying to get a quorum because two or three of your committee members are either presenting bills to other committees or they're serving on other committees? How many of your bills have been stymied by the three Senator rule, where you can't get three Senators, you can't move a bill one way or the other? That is not going to go away when you cut 20 bodies out of this House. That is going to get worse. There's going to be a significant shift of power to that end of the hall. Now the example made just a minute ago, everybody wants to go in the other body. Well sure, the other body is a little more powerful than we are right now and they're going to be more powerful later. There's a further shift of power outside of this House. Let's go out into the countryside. I was shocked and stunned into silence at the number of my rural counterparts who did stand up and oppose this. If you're tired of driving two and a half miles in your district now, add another hour or so to that. Portland is going to do fine, sure. Portland, Ladies and Gentlemen, will have more seats in this House than 11 other counties. Just the delegations from Cumberland, York, Androscoggin and Kennebec combined, will have two-thirds votes in this House. This is the urbanization of the House of Representatives. In you think that the power is shifting, you're absolutely right but watch where it's shifting. We are redistricting in 2010, or now 2013, in response to the census, and then we're going to lay this armageddon on top of that?

My friends on this side of the aisle, you choose, look around and choose which one of you is going to be running in a primary against your contemporary, again your seatmate, because that's what's going to happen to you and the majority that you currently enjoy is severely threatened. You just run through the numbers and think about that. On this side of the aisle you're going to watch power shift to that end of the House, that end of this building and to the urban centers. Portland, Lewiston, Bangor and Augusta will have the votes to run this place.

Now some of your problem is some of you, particularly if

you've unassured this with me, and when I was a freshman, the most irritating thing about this place was the feeling that decisions were being made without any of my input. Decisions were being made in small groups behind closed doors and I didn't know what they were until they were presented to me as a fait accompli and I was told to vote for them. That's not going to improve by cutting 20 people of this House, that's going to concentrate power further because leadership will be able to state far more effectively than they can even now how this is going to run.

Your committee work, I alluded to that earlier. You can't get a quorum now. How are we going to handle losing two bodies off of each committee? We're not losing two Senators; we're losing two House members off each committee. If you don't like the idea of consolidations, if you don't think the DMR and IFW can work together as agencies, then why did we consolidate Natural Resources and Agriculture?

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

Representative **VAN WIE**: Point of Order. Madam Speaker, perhaps you could remind those members of the body to speak to the Chair if you would.

On **POINT OF ORDER**, Representative VAN WIE of New Gloucester asked the Chair to remind Representative WATSON of Bath to address the Speaker and not turn to the rest of the House.

The SPEAKER: The Chair would just remind members to face the Chair and I do believe the Representative is doing that. The Representative may continue.

The Chair reminded Representative WATSON of Bath to address his comments toward the Speaker.

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

Representative **WATSON**: Thank you, Madam Speaker. That's where power is going to go. The fewer bodies we have in here, the fewer people that are going to be making those decisions. If you don't think you've got a voice now, wait until you lose 20 of your compatriots. Now all things the proponents have proposed in terms of this being a good idea have other ways of solving them and you've already heard about it. You've already heard that the Legislative Council, under the leadership of our Speaker and the President of the other body, cut \$4 million out of the budget. That's how you save money. You don't save money by firing 20 of us and save \$800,000. You think this is going to cut down on the size of bills, it's not and that's been mentioned before as well, because look at your own bills, look at the ones you yourself sponsor. If we did 1,400 bills, everybody has an average of about 10, that's not including the other body. Let's say yours is five or six. I guarantee you that two or three of those, less than a third of your bills, were your own brilliant ideas. The rest of them came from constituents, who had ideas, or somebody who stopped you at the grocery store, or somebody who sat across from you uninvited at the diner for breakfast and gave you a great idea, or it came from the lobby because the Sportsmen's Alliance of Maine thinks you're pretty hot, they want you to sponsor one of your bills, Maine Municipal Association needs you to sponsor one of your bills. So the vast majority of your bills were brought at the request of others. That request is not going to go away when we cut 20 people out of here. Those bill requests are still going to be there. The load will just be shifted over on the rest of you who will remain. The way to solve too many bill problems is move the rule. We don't need a constitutional amendment to do that; we can do it with a joint rule, just as we can do with tightening the budget by the Legislative Council. There is nothing about this idea that would bring an

advantage to the State of Maine that cannot be done a different way.

I'll end with this note: We talk about giving this decision out to the people. The good Representative who preceded me admitted that the people think it's a pretty good idea. So we're not giving this decision out. You hit a green light and engross and enact this bill and you are cutting 20 people out of here, because this is going to be enacted, this is going to be approved by the people. There's no doubt about it. There's no question to present to them. They are going to approve it, and they are going to approve it because they've never worked in here. They've never shared your load, they've never seen how this process works, they've never had the complaints or the problems or the direction from leadership. They don't know how it works in here and you're giving them the decision to cut 20 of you out of a job. Thank you, Madam Speaker.

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. As far as I'm concerned, I go the other way. I don't know about you, most of you all have another job that you go to. I don't. I'm retired, and being retired I have plenty to do with the people that call me and ask for all kinds of things and for me to take care of them. I can't imagine having a bigger load than I have right now. I can't imagine either that you people are answering all your emails that you talk to me about that you have so much of and so much work, and then you have another job. Can you imagine what it's going to be like if this goes through? That you'll have more work, more people to answer to. I cannot even fathom that right now. As far as I'm concerned, staying the status quo we are is fine with me. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Thibodeau.

Representative **THIBODEAU**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I think we may be overestimating our own importance to this institution, but I just wanted to throw out, there's another result of enactment of this legislation and that will be that there'll be 20 less lobbyists in the hall waiting for us. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you, Madam Speaker. I wasn't going to speak. Ten years ago when I was first a member of the other body, I come to realize that the time for me to speak is when my words can have some influence on the outcome of what is occurring. I also believe that if you don't speak real often, perhaps they listen to you a little closer when you do speak. One of the previous speakers though raised an issue that I have a great deal of knowledge about and that's serving in the other body. The issue that was raised was that if you speak to a member that has served in the other body, they'll tell you there's not much difference. Well Madam Speaker, I would take great exception to that. In the other body, you will represent nearly 40,000 people. In here you represent 8,500, maybe 9,000 depending on how the population is gyrating. It is a lot more work. In our body we have an aide that usually has 12 or 15 legislators. In the other body, you have an aide for every four or five legislators because of the volume of the work. Now my good friend from Greenville, Representative Johnson, said he liked to go to town meetings. Well, I understand too that he likes parades. If he'll agree to run for the other body, I'll help him, and I'll guarantee you that he will have all the parades and all the town meetings in the 42 towns in that district that he wants to go to. Most of them have two or three parades a year, most of them,

at least one town they didn't, a half a dozen other special town meetings. He'll be town meeting and paraded out by the end, I promise him.

There is one or two other things, Madam Speaker, and then I'm going to sit down because this has been beaten pretty hard. Piscataquis County has two legislators that represent our county. Actually we have one and 15/16ths because Representative Johnson represents the Town of Cambridge in Somerset County. If this goes through, we'll have probably one and a half legislators. It's less representation for our people. Our committees in the Legislature will be reduced. The number of people that you can find a consensus with will be reduced. Those of us in the minority will go from three or four to two or three. The majority will suffer a bit more. They'll go from eight or nine to seven or eight. It will be more difficult to find a consensus. Thinking of all of that, I believe this is real bad too for rural Maine. I don't agree with this bill at all and I would urge that everyone would vote and follow my light. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. First, I wanted to say thank you to all for the great debate. I understand all those concerns and it makes me very proud to be a member of this body. Thank you also to Representative Van Wie for this co-authorship of this bill. It is designed to create structural and long term change. Naturally that's going to be difficult for some members of this body to agree with or accept and that's totally understandable. It will mean, after all, 20 less of us in the year 2015. However, we have just discussed that we brought the passage of significant, difficult and structural changes across many areas of government service, and I believe it's essential that we too look seriously at making such changes. This is a sincere and positive step to improve efficiency of government. It is not a gesture or an accommodation or an attempt to be like other states that don't have citizen legislators, as some people have suggested. It's about a serious system change to Maine's unique and I would say precious citizen's Legislature and, yes, change is very hard.

I do want to say that regarding the concerns voiced here about redistricting and changes in district size, there will be inconveniences, there will be inconveniences of primaries and such and redistricting. I believe though that the people of Maine would most likely say to us please try to deal with those politics, please try to manage those inconveniences and deal with the realities of today. The people have heard often what can't be done and I think there's a strong expectation that we too should be making long lasting and significant structural change in our manner of statewide representation. I believe the people expect us to change with the times and to change with the technologies available to us. They do not expect us to cower in fear of change; rather I think they expect us to embrace it.

I do want to agree that just reducing the size of the Legislature is not enough on its own. Earlier in the year, I brought to this body an attempt to make a joint rule change to reduce the number of bills. That was eventually modified by our leadership into something less formal, but I think effective. I brought to the Legislature a concept to reducing the length of the legislative session. That was a concept that was embedded within the budget and I thank the legislative leadership for that. I brought also this proposal which is, admittedly, the more complicated and more controversial one. We have approved two of the three concepts in one form or another so far.

It has been said that obstacles are those frightful things that

get in the way when we take our eyes off the goal, and I would hope that we could stop focusing on and worrying about the obstacles and inconveniences and the politics and move forward with productive change. Let's not let our potential inconveniences be our focal point. Conveniences, not a condition or an expectation of our work or our representation.

For those in this chamber who are concerned about their ability to represent a larger number of constituents adequately, I completely understand that concern. I hope you will vote your conscience on that basis. It is a big issue, it requires a lot of thought, and I'm very glad that two or three weeks of time has lapsed to give each person here time to think this through. We've heard several legislators talk about that. All legislators here, from big districts, small districts and places rural, urban and suburban, in between, have unique circumstances of their own and life situations of their own that make his or her choice on this issue in fact a very unique choice. I completely respect that. It was difficult to deal with the harsh, brutal realities of the statewide changes that just passed before us in the most recent days of this Legislature. For months, we all deliberated those important and painful matters, but for sure, we face those truths there and we proposed real long-term solutions. In short, I think we did our job. I believe that same kind of soul-searching and decision-making is warranted with this bill. It is important that we face similar realism here today in our own House.

I wanted to close by again thanking everyone for their good debate, to say this bill, as presented by me and I believe Representative Van Wie, is not a gesture, it is not an accommodation, it is not patronizing to the public. It really is designed as a step change for productivity, combined with other actions here at the Legislature that our citizens expect of us, and I hope that we could let them decide on this issue in November. Thank you, Madam Speaker. Thank very much, Ladies and Gentlemen.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Adams.

Representative **ADAMS**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise to put a few words on the record about the doubtful proposition that in a democracy smaller always equals cheaper and that both together always equals better somehow. The reality on this rainy Friday afternoon, before we all go home to get our own direct dose of direct democracy, I think can be found in the cold hard facts on the information fliers which have crossed our tables, and by a concrete example, I beg leave of you to give you one about my district, since we all know our own districts best.

For a few terms, I have been honored to serve on the smallest Maine House district. Because it is the most densely populated square mile of Maine, the most religiously, the most ethnically diverse square mile of Maine, home to the seat of the Catholic Bishop, the Mother Church of Maine Unitarianism, Maine's largest mosque, Maine's first Buddhist temple, over 40 languages and dialects are spoken at the high school, the middle school and the elementary school, just up the street, next to my phone, I have to keep a card with phonetically written phrases in other languages so I can catch a word or two about problems that people call me about before I go get the translator. Now, as described, that district is likely a little different than yours, but you've got to love it, just like yours, and it serves the same 8,400 people or so that each of us do. It's problems are different and sometimes difficult but, as a legislator, we need calls, we're expected to be there and to take care of it. Now to add another 1,400 or 1,600 constituents to the tiny House district I represent, as LD 144 would do, means just a score of new streets and a dozen new dialects for me. Territory is not the issue, turn the



coin over.

Back in my hometown, in the rural mountains of western Maine, 8,400 folks equals over 20 towns and territories. As it stands now, roads and regions well known to the likes of my friends Representative Briggs, Representative Crockett, Representative Millett, or, for example, Representative McLeod, my former seatmate on Utilities, who's 37 communities in his current district take up today two and a half column inches just to list in the register, much less to ride on the road. For legislators thus described, to pick up two dozen more town meetings would mean two things: Number one, you have a pickup truck big enough to pack two tons of spring fishing law booklets. Number two, you've got to know Buzz Aldrin, because he's the only guy that's going to teach you how to accept G-Force acceleration fast enough to get around in those three weekends of town meetings and hit every one of them, but as legislators, we're expected to be there and to do it when the need arises, it comes with the territory because it comes with direct democracy. Rural states have always had relatively large legislatures; it reflects our heritage, our town meeting tradition. The states of the west were settled by New Englanders and they started the same. Vermont's House has 150 members, much like ours. New Hampshire's House has 400 members, democracy to the extreme, which is why some define New Hampshire is just like Vermont except on steroids, but it works for them. Citizen legislatures mean low pay, shared staff, direct democracy, and changing any one of them depends on what kind of a democracy you want.

As has been said, a small House, smaller just for the sake of size, inevitably means a larger territory for each district. Draw the map of Maine to you, as I did last night, and start drawing circles in it. It means inevitably greater urban influence, larger towns will certainly have to predominate 1,400 and 1,600 new constituents, a new territory is added to your district. Look at the reality today. Where do you go to get your votes, the largest town in your district? Look at the fact sheets on our desks. A smaller House, said to be smaller just for the sake of size, may mean and I think does mean inevitably one larger step toward a professional Legislature and away from the citizen Legislature that we are. A smaller House means larger territory, it means more constituents, it means more work. More work, as has been pointed out, means more support staff, staff working and deserving a much different pay scale than ours. Add 1,400 or 1,600 new constituents to your district and it will be cheaper? When is the last time you had two more children and your household expenses went down? A reworked House with about 10,000 constituents a piece means inevitably urbanization and large town dominance. Between the cities alone and the sizeable suburbs of just greater Augusta, just Portland and South Portland, just Lewiston-Auburn, and just Saco and Biddeford on the new map I have described to you, those four delegations alone would have delegations bigger than currently 10 or 12 entire counties of our state do today with the physical territory to match.

You know, I think we should always think twice when we are trading for something that we are assuming. Direct democracy has things worth keeping. Democracy can be delightful, it could also be demanding. It requires that we always be aware of fads and passing themes that shift the main conversation away from the fundamental American debate going on now for 225 years about the meaning of democracy, and it switches it over to an advocacy of technology based on profit driven systems, in the name of the allure of some promised thing that's easier or cheaper or smaller or quick, as if technology and people are the same thing, as if contact with one is as good as contact with the other.

Colleagues, only people driven systems in democracy have stood the test of time so far. Colleagues, it is a blessing to live in Maine; it is a blessing to have a citizen Legislature in Maine; it is a blessing to have direct democracy in Maine against all the tides of time and urbanization and pressures from away that are pushing Maine in the other direction every single day. But I say all these blessings are worth fighting for in Maine and keeping in Maine, and when very shortly we adjourn to go home for the weekend and get our own dose of direct democracy and our good friend Representative McFadden and his new friend, Buzz Aldrin, tool the back roads of his district, as he told us yesterday, searching for a year for the lost Township Nine, among the 29 towns and other territories he already represents in huge House District #30, scoping out the new 1,600 constituents and territories this legislation would give him, I hope you will think of us. Colleagues, to keep Maine's blessing of direct democracy, it would be a great honor to have some of you join with those of us who will be voting no on LD 144 this rainy afternoon in the people's chamber.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. I really had no intentions of speaking today, because I'm trying to get home and I'm a lot further away than almost every one in this body except one, and I do know what large districts are and I do know what large representation happens to be and you can do the job if you want to, whether it's 40,000 or 8,500. My concern today, after hearing all of the debate, is for people who are standing up and saying we know what the public wants, but we're not going to let them vote on it. We know if this goes out it's going to get adopted. That ought to tell us something, if nothing at all; because you've convinced yourself that you know what the public want. And yes my district will get larger and is already larger than Rhode Island and I do represent people on the Canadian border in Saint-Pamphile, Estcourt, that some of you have never even been to and they are, yes, American citizens, they may speak only French and they may get their electricity and telephone services from the Province of Quebec. So I find the argument that cutting the size is going to impact the representation. Keep in mind that when I became a member of this body, there were 16 people from Aroostook County. We're down to less than nine and once the census gets done, we're losing another one and a half regardless of what happens to this particular bill. But once the allocation is made on 151 or 131, the loss of representation will be across the board, whether it be Portland of Aroostook County, it will be the same impact, not less, not more. And yes I do know something about Piscataquis County, since I started school in Greenville and I do know the size of Piscataquis County because I visit it. But the representation issue is an issue you ought not to be concerned about because it will occur, whether you're 131 or 400. And the cost and savings may be very minimal, but after we went through an Appropriations Committee last year, when we asked the general public to email us, maybe a mistake, we got thousands of emails about what we ought to do in cutting costs in state government and roughly 95 percent of the emails and phone calls said cut the size of the Legislature. They didn't talk about services; they talked about what we ought to be doing here. That's what we ended up dealing with and we didn't satisfy them because we obviously couldn't, and that's when I changed my mind and I know that some of you were shocked when I stood up last time, but I made my decision after what happened in the Appropriations Committee. I felt that if that was what they really wanted and 95 percent of the people who were calling us and emailing us, we have to provide them something. I was not

willing to go to 99, but I felt the amendment that came out of the committee at 131 was something I could support. And yes, the debate has been long, but, hopefully, regardless of how you vote, know that if you're voting for this you know that the people will adopt it, if you're against it you know that if it went out to vote people would be voting for it.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Carey.

Representative **CAREY**: Thank you, Madam Speaker. Let me ask everybody a question as we're considering when we can get out of here. Is the only problem with the working of this building, that there are a few too many of us? Is that the only problem that we have, because if we try to solve the number of bodies in the building that will require a people's vote. If we try to change the number of terms that we serve, that too requires the people's vote, as that should require I should say. If we try to change whether we're paid more or less, or serve longer or less time in a year, that will require a people's vote. This is a problem that the people say needs to be fixed. We need to make this body work better, amen, so let's do that. But is this the only way we make this body work better because, on the face of them, I'm going to guess that none of them, if we went and asked right now, would go through necessarily at the ballot box. That means we need to be leaders if we think it's the right thing to do. If we need make this building work better, we need to make the case and this I am fully confident will be part of the discussion, should be part of the discussion. I'm not tied to 150, 153, I'm not tied to 133. We can be far less, but we need to look at the workings of the whole body.

I understand the lead by example argument and Representative Berry has pointed out how we have done that and others have done that. We've led by example by forgoing pay, by paying for some of our health insurance, by cutting our budget, those all appropriate things, because, as a legislator, those are all part of my compensation and, if I'm going to lead by example, I should cut things that affect me. This is not my seat. This is a seat entrusted to me by some 8,000 members of the town of Lewiston. I can't give that away for them. I'm not making a sacrifice by having a few more people represented by this seat. That's not my sacrifice. If the people need us to solve a problem, we should do that. We're here by a public trust. If we were to say, well, let's cut off a few of us and that's us sacrificing, that's like the families that go to bed not being able to sleep thinking about how they're going to be able to survive when someone loses a job. We don't think it's reasonable to those families who are caretaking their children. Those families sacrificing is not taking lunch from the children, it's making sacrifices for themselves. We've made sacrifices for themselves in the budget, we don't have to make our constituents less represented and that's why I'll be voting against this. Thank you.

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

**ROLL CALL NO. 145**

**YEA** - Austin, Ayotte, Beaudette, Beaulieu, Beck, Bickford, Blanchard, Blodgett, Browne W, Bryant, Burns, Cain, Casavant, Cebra, Chase, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Cray, Curtis, Cushing, Dill, Driscoll, Duchesne, Eaton, Eberle, Edgcomb, Eves, Finch, Flood, Fossel, Giles, Greeley, Hamper, Harvell, Haskell, Hill, Hinck, Hunt, Johnson, Jones, Joy, Knapp, Knight, Kruger, Lajoie, Legg, Lewin, Lovejoy, MacDonald, Martin JL, Mazurek, McFadden, McLeod, Miller, Millett, Nass, Nelson, Pendleton, Peoples, Perry, Pinkham, Piotti, Plummer, Prescott, Priest, Richardson D, Richardson W, Rosen, Sanborn,

Sarty, Sirois, Strang Burgess, Theriault, Thibodeau, Thomas, Tuttle, Valentino, Van Wie, Wagner J, Weaver, Webster, Welsh.

**NAY** - Adams, Beaudoin, Boland, Bolduc, Briggs, Butterfield, Campbell, Carey, Celli, Clark H, Crafts, Crockett J, Crockett P, Davis, Dostie, Fitts, Flemings, Fletcher, Gifford, Gilbert, Goode, Hanley, Harlow, Hogan, Innes Walsh, Kaenrath, Kent, Langley, Magnan, Martin JR, McCabe, McKane, Morrison, Nutting, O'Brien, Percy, Peterson, Pieh, Pilon, Pratt, Rankin, Rotundo, Russell, Saviello, Schatz, Shaw, Smith, Stevens, Stuckey, Sutherland, Sykes, Tardy, Trinward, Wagner R, Watson, Wheeler, Wright, Madam Speaker.

**ABSENT** - Berry, Flaherty, Hayes, Robinson, Tilton, Treat, Willette.

Yes, 86; No, 58; Absent, 7; Excused, 0.

86 having voted in the affirmative and 58 voted in the negative, with 7 being absent, and accordingly the **RESOLUTION** was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-135) as Amended by House Amendment "A" (H-252)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

Bill "An Act Regarding the Central Voter Registration System" (H.P. 1037) (L.D. 1484)

Which was **TABLED** by Representative **TRINWARD** of Waterville pending **FURTHER ACTION**.

Subsequently, the Bill was assigned for **SECOND READING** Monday, June 1, 2009.

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 116) (L.D. 352) Bill "An Act To Encourage Veterinary Practice in Maine" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-258)**

(S.P. 157) (L.D. 454) Bill "An Act To Provide Representation for Dog Clubs on the Animal Welfare Advisory Council" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-243)**

(S.P. 429) (L.D. 1157) Bill "An Act To Improve the Use of Information Regarding Sex Offenders" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-264)**

(S.P. 507) (L.D. 1404) Bill "An Act To Enact the Maine Uniform Power of Attorney Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-240)**

(S.P. 512) (L.D. 1428) Bill "An Act Regarding the Pay of Tribal Representatives" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-256)**

(S.P. 519) (L.D. 1435) Bill "An Act To Amend Sentinel Events Reporting Laws To Reduce Medical Errors and Improve Patient Safety" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-248)**



(S.P. 536) (L.D. 1451) Bill "An Act To Amend the Maine Clean Election Act and the Enforcement Procedures of the Commission on Governmental Ethics and Election Practices" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-242)**

(S.P. 543) (L.D. 1459) Bill "An Act To Modify Child Support Enforcement Procedures and Requirements" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-241)**

(S.P. 545) (L.D. 1465) Bill "An Act To Facilitate Testing and Demonstration of Renewable Ocean Energy Technology" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-249)**

(S.P. 548) (L.D. 1471) Bill "An Act Concerning Debarment from Contracts with the Department of Environmental Protection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-239)**

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 Reports**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-461)** on Resolve, Directing the Department of Education and the Department of Agriculture, Food and Rural Resources To Convene a Work Group To Strengthen Farm-to-school Efforts in the State (EMERGENCY)

(H.P. 784) (L.D. 1140)

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

McFADDEN of Dennysville

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

Signed:

Senator:

WESTON of Waldo

Representatives:

RICHARDSON of Carmel

JOHNSON of Greenville

**READ.**

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

The Resolve was **READ ONCE.** **Committee Amendment "A" (H-461)** was **READ** by the Clerk and **ADOPTED.** The Resolve was assigned for **SECOND READING** Monday, June 1, 2009.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Increase Funding for Higher Education"

(S.P. 300) (L.D. 773)

Signed:

Senator:

WESTON of Waldo

Representatives:

SUTHERLAND of Chapman

FINCH of Fairfield

CASAVANT of Biddeford

WAGNER of Lewiston

RANKIN of Hiram

RICHARDSON of Carmel

McFADDEN of Dennysville

JOHNSON of Greenville

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

Signed:

Senators:

ALFOND of Cumberland

SCHNEIDER of Penobscot

Representatives:

LOVEJOY of Portland

NELSON of Falmouth

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED.**

**READ.**

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

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

On motion of Representative GILBERT of Jay, the House adjourned at 2:12 p.m., until 9:00 a.m., Monday, June 1, 2009 in honor and lasting tribute to the Honorable Eben Littlefield Elwell, of Bowdoin and Bruce Roy, of Jay.