

MAINE STATE LEGISLATURE

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

Volume II

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Second Regular Session

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Pages 609-1214

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
 FIRST REGULAR SESSION
 52nd Legislative Day
 Friday, June 5, 2009

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

Prayer by Reverend Scott Wilson, Rangeley Free Baptist Church.

National Anthem by Cony High School Madrigals, Augusta.

Pledge of Allegiance.

Doctor of the day, Karen Hadam, M.D., Calais.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Repeal the School District Consolidation Laws"

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

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** in the House on June 3, 2009.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-257) in NON-CONCURRENCE.**

On motion of Representative SUTHERLAND of Chapman, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 200)

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333

June 5, 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":

Appropriations and Financial Affairs

L.D. 302 An Act To Require Review by the Joint Standing Committee on Appropriations and Financial Affairs of Transfers of MaineCare Funds (EMERGENCY)

L.D. 629 An Act To Require That the 3 Branches of Government Be Listed Separately in Budget Documents and Budget Bills

L.D. 1136 An Act To Reduce Maine's Debt by Applying Year-end Departmental Balances to the Debt Service

Judiciary

L.D. 455 An Act Regarding Parents' Rights

L.D. 898 An Act To Amend the Law Pertaining to Permanently Restricted Funds of Municipal Public Libraries

L.D. 1266 Resolve, Establishing a Blue Ribbon Panel To Address Disparities in Economic Development between the Passamaquoddy Tribe and the State and the United States (EMERGENCY)

Labor

L.D. 1092 An Act To Improve Worksite Accountability for Public Construction Projects by Requiring Subcontractor Identification

L.D. 1441 An Act To Amend and Clarify the Application of the Laws Regarding Severance Pay

State and Local Government

L.D. 1270 Resolve, To Realign Maine's Natural Resource Agencies

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.**

The Following Communication: (S.C. 398)

MAINE SENATE
124TH MAINE LEGISLATURE
OFFICE OF THE SECRETARY

June 4, 2009

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it Indefinitely Postponed the Joint Order, To Recall L.D. 1390 from the Governor's Desk to the House (H.P. 1039).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 28)

ORDERED, that Representative Stephen R. Beaudette of Biddeford be excused May 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard D. Blanchard of Old Town be excused June 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sheryl J. Briggs of Mexico be excused May 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne C. Perry of Calais be excused June 1 for personal reasons.

READ and **PASSED.**

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Charles Todd, of Orrington, a biologist at the Department of Inland Fisheries and Wildlife, and his coworkers at the department, past and present, who for years have dedicated themselves to the restoration of the American Bald Eagle in Maine. Bald eagles, known throughout the world as the symbol of the United States, were nearly extirpated from Maine by the early 1970s. For his years of commitment and hard work, Mr. Todd has received the national Recovery Champion Award from the United States Fish and Wildlife Service. This award is given for contributions to the recovery of threatened and endangered species in the Nation. There are now at least 477 nesting pairs of eagles in the State, and they annually produce more than 300 eaglets. Due to the success of the restoration, Maine has recently removed the Bald Eagle from the Maine Endangered and Threatened Species List. We extend our congratulations to Mr. Todd on his receiving this well-deserved award, and we send him and the Department of Inland Fisheries and Wildlife our appreciation for this most remarkable achievement;

(HLS 460)

Presented by Representative BRIGGS of Mexico. Cosponsored by Senator ROSEN of Hancock, Representative ROSEN of Bucksport, Senator BRYANT of Oxford, Representative CLARK of Millinocket, Representative DAVIS of Sangerville, Representative EBERLE of South Portland, Senator JACKSON of Aroostook, Representative McLEOD of Lee, Representative SARTY of Denmark, Representative SAVIELLO of Wilton, Representative SHAW of Standish, Senator TRAHAN of Lincoln, Representative WHEELER of Kittery, Representative BRYANT of Windham.

On **OBJECTION** of Representative BRIGGS of Mexico, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. On behalf of the Joint Standing Committee on the Department of Inland Fisheries and Wildlife, I rise today to recognize Charles Todd, biologist at the Maine Department of Inland Fisheries and Wildlife and his coworkers at the department, past and present, who for years have dedicated themselves to the restoration of the American Bald Eagle in Maine. The entire staff at the Department of Inland Fisheries and Wildlife has participated directly or indirectly during eagle recovery efforts; most notably, the broad participation and diligence by biologists in the wildlife division staff that have enabled this success.

Mr. Todd recently traveled to Washington, D.C. to receive the "United States" Fish and Wildlife Service's 2008 Recovery Champion Award. The Recovery Champion award recognizes service employees and their partners for contributions to the recovery of threatened and endangered species in the United States. The Recovery Champion award both recognizes the exceptional conservation accomplishments of its honorees and highlights the importance of strong and diverse partnerships in species conservation. Recovery Champions are helping imperiled species regain their place in the natural resources fabric of our country while focusing attention on the importance of conserving our nation's biological heritage for future generations. Recovery of endangered/threatened species is invariably a long-term commitment.

The Department of Inland Fisheries and Wildlife thankfully initiated this effort in 1976 before the fate of eagles worsened further in the state as the entire eagle population elsewhere in the northeastern United States was close to extirpation. Funding and cooperative efforts from the United States Fish and Wildlife Service have been constant throughout the past 33 years and key to program success. The University of Maine also conducted six graduate research studies on eagles to guide recovery efforts in this period. Broad-based partnerships are always advantageous, certainly the case with eagle recovery in Maine with wide participation of state, federal and NGO conservation interests.

Mr. Todd has given presentations to schools, universities, conservation groups and scientists. He has helped establish Maine's first eagle Webcam.

Bald eagles were nearly extirpated from Maine. In 1972, only 29 pairs of eagles remained here. Today, thanks in large part of Mr. Todd's efforts, there are at least 477 nesting pairs of eagles, annually producing more than 300 eaglets.

Because of this, Senator Bruce Bryant, Co-chair of the Department of Inland Fisheries and Wildlife Committee and Representative Mark Bryant sponsored LD 66 "An Act To Amend Maine's Endangered and Threatened Species List by Removing the Bald Eagle."

Maine Department of Inland Fisheries and Wildlife Commissioner Roland "Danny" Martin commended Charlie's professionalism and scientific dedication in his work to return bald eagles to Maine's blue skies and vast woodlands. The Bald Eagle is a species of strength and fortitude - and an American symbol of pride. And appropriately, it is the first species to be removed from the list.

Governor John Baldacci was quoted as saying "I congratulate the Maine Department of Inland Fisheries and Wildlife and its partners for their hard work and steadfast dedication to building up eagle populations for the benefit of all Maine citizens and visitors. It seems that whenever you bring up a story of how you have seen a bald eagle, others have similar stories to share. People are proud to see such an impressive bird, an American symbol of Freedom."

Mr. Todd, thank you, the entire staff, and everyone involved for giving all of us the opportunity to share in the celebration of this great success story. It's a proud day for you and for the people of Maine. Thank you, Madam Speaker.

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

Representative **SAVIELLO**: Thank you, Madam Speaker. I've known Charlie for longer than I would care to admit and probably longer than he would care to admit. I have been actually part of his project as he's done this, looking for eagles on the Androscoggin River. I just wanted to publicly thank him for his efforts, his hard work to make this recovery a success. Thank you, Madam Speaker.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Permit Charter Schools in Maine"

(S.P. 522) (L.D. 1438)

Signed:

Senators:

ALFOND of Cumberland
SCHNEIDER of Penobscot

Representatives:

SUTHERLAND of Chapman
FINCH of Fairfield
LOVEJOY of Portland
RANKIN of Hiram
RICHARDSON of Carmel
McFADDEN of Dennysville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-283)** on same Bill.

Signed:

Senator:

WESTON of Waldo

Representatives:

CASAVANT of Biddeford
WAGNER of Lewiston
NELSON of Falmouth
JOHNSON of Greenville

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

READ.

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

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

ENACTORS

Emergency Measure

An Act To Amend the Maine Certificate of Need Act of 2002
(H.P. 974) (L.D. 1395)
(C. "B" H-497)

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

On motion of Representative PERRY of Calais, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "B" (H-497)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-541)** to **Committee Amendment "B" (H-497)** which was **READ** by the Clerk.

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

Representative **PERRY**: Thank you, Madam Speaker. This amendment is simply to clear up a clerical error. A word was left out that really affected the meaning of the bill.

Subsequently, **House Amendment "A" (H-541)** to **Committee Amendment "B" (H-497)** was **ADOPTED**.

Committee Amendment "B" (H-497) as Amended by **House Amendment "A" (H-541)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "B" (H-497)** as Amended by **House Amendment "A" (H-541)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control

(H.P. 349) (L.D. 494)

(C. "A" H-508)

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. 114 voted in favor of the same and 12 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Acts

An Act To Ensure a Uniform Comprehensive State Policy Regarding Residency Restrictions for Sex Offenders

(H.P. 292) (L.D. 385)

(C. "A" H-474)

An Act To Improve Tribal-State Relations

(H.P. 333) (L.D. 445)

(C. "A" H-516)

An Act To Expand Representation on the Animal Welfare Advisory Council

(S.P. 157) (L.D. 454)

(H. "A" H-501 to C. "A" S-243)

An Act To Clarify the Beano and Bingo Laws as They Apply to Federally Recognized Indian Tribes

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

(C. "A" H-442)

An Act To Increase Consumer Choice for Wine

(H.P. 696) (L.D. 1008)

(H. "A" H-526 to C. "A" H-366)

An Act To Improve the Maine Clean Election Act

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

(S. "A" S-246 and S. "B" S-291 to C. "A" S-214)

An Act Regarding the Operation of County Jails and the State Board of Corrections

(H.P. 844) (L.D. 1224)

(C. "A" H-439)

An Act Regarding Curriculum Requirements and Standards for Awarding a High School Diploma

(H.P. 929) (L.D. 1325)

(C. "A" H-512)

An Act Clarifying the Manner in Which a Person's Alcohol Level Is Determined under Maine Law

(S.P. 532) (L.D. 1447)
(H. "A" H-521 to C. "A" S-202)

An Act Regarding the Transfer of Licenses for Energy Recovery Facilities

(S.P. 551) (L.D. 1476)
(C. "A" S-292)

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

Resolves

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

(S.P. 137) (L.D. 395)
(H. "A" H-519 to C. "A" S-227)

Resolve, To Examine Environmental Effects of the Resource Recovery System

(S.P. 270) (L.D. 733)
(S. "A" S-284 to C. "A" S-195)

Resolve, To Examine Concepts and Competencies from Family and Consumer Science for Achieving Educational Goals

(H.P. 702) (L.D. 1027)
(C. "A" H-462)

Resolve, Directing a Study of Domestic Violence and Parental Rights and Responsibilities

(H.P. 787) (L.D. 1143)
(C. "A" H-472)

Resolve, To Facilitate Disclosure of Information to Taxpayer Representatives

(S.P. 479) (L.D. 1321)
(C. "A" S-297)

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

An Act To Amend the Laws Governing Alien Big Game and Turkey Hunters and Nonresident Hunters

(H.P. 199) (L.D. 253C. "A" H-396)

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: 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. 200

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gilbert, Goode, Greeley, Hamper, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe,

McFadden, McKane, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Plummer, Prescott, Priest, Rankin, 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, Webster, Wheeler, Willette, Wright, Madam Speaker.

NAY - Burns, Gifford, Joy, McLeod, Pinkham.

ABSENT - Ayotte, Celli, Clark T, Eberle, Giles, Harvell, Lewin, Pratt, Richardson D, Welsh.

Yes, 136; No, 5; Absent, 10; Excused, 0.

136 having voted in the affirmative and 5 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Promote Economic Development and Reduce Reliance on Automobiles through Transit-oriented Tax Increment Financing Districts

(S.P. 511) (L.D. 1392)
(C. "A" S-295)

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: 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. 201

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

NAY - Austin, Beaudoin, Beaulieu, Browne W, Burns, Cebra, Chase, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fletcher, Fossel, Gifford, Hamper, Johnson, Joy, Knapp, Knight, McFadden, McKane, McLeod, Millett, Nass, Pinkham, Plummer, Prescott, Richardson W, Robinson, Sarty, Saviello, Sykes, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Ayotte, Celli, Clark T, Eberle, Giles, Harvell, Lewin, Peterson, Pratt, Richardson D, Welsh.

Yes, 100; No, 40; Absent, 11; Excused, 0.

100 having voted in the affirmative and 40 voted in the negative, with 11 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 Bowdoinham, Representative Berry, who wishes to address the House on the record.

Representative **BERRY**: I think that all of us are aware that this freshman member as a Mainer has done more than many of us could ever hope to do for the state, but also I think for the country, and I just briefly wanted to list some of the many things on this incredible resume. Representative Martin is the president of Ambulance Services Incorporated; he is the president of Fish River Rural Health Centers; treasurer of Northern Maine General Hospital; he served as chairman of the Land Use Regulation Commission; president of the State Legislative Leaders Foundation. He has served as chair of the State Federal Assembly of National Council of State Legislators, the vice chair of NCSL's Budget, Fiscal and Rules Committee, chair of the Task Force on Reapportionment, and he has been president of the National Conference of State Legislatures. I think we all know he served on a majority of the committees in this Legislature, including Appropriations, Natural Resources and HHS. He has served an unprecedented 10 terms as Speaker of this House. And it's my honor to add my voice to wish him a happy birthday today as well. Thank you, Madam Speaker.

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

Representative **PERCY**: Thank you, Madam Speaker. Tomorrow is the 65th anniversary of D-Day and so I was going to ask if we could stand at a moment of silence in honor of that anniversary.

At this point, the Members of the House stood and joined in a moment of silence in honor of D-Day.

The House recessed until 10:30 a.m.

(After Recess)

The House was called to order by the Speaker.

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

UNFINISHED BUSINESS

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

Resolve, Establishing the Blue Ribbon Commission To Study Landlord and Tenant Issues (EMERGENCY)

(H.P. 747) (L.D. 1080)

(C. "A" H-489)

TABLED - June 2, 2009 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - **PASSAGE TO BE ENGROSSED**.

On motion of Representative TUTTLE of Sanford, 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-489)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-546)** to **Committee Amendment "A" (H-489)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Essentially, Madam Speaker, what this amendment does, it removes the Attorney General or the Attorney General's.

The SPEAKER: Will the Representative please defer. We need to wait until it is on our desks.

On motion of Representative PIOTTI of Unity, **TABLED** pending **ADOPTION** of **House Amendment "B" (H-546)** to **Committee Amendment "A" (H-489)** and later today assigned.

ENACTORS

Acts

An Act To Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment

(H.P. 896) (L.D. 1293)

(C. "A" H-522)

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

On motion of Representative O'BRIEN of Lincolnville, was **SET ASIDE**.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-522)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-543)** to **Committee Amendment "A" (H-522)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-522) as Amended by **House Amendment "A" (H-543)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-522)** as Amended by **House Amendment "A" (H-543)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

UNFINISHED BUSINESS

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

Bill "An Act To Allow for a Dual Liquor License"

(H.P. 681) (L.D. 989)

- In House, Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE**

ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425) on May 29, 2009.

- In Senate, Minority (2) **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - June 3, 2009 (Till Later Today) by Representative **TRINWARD** of Waterville.

PENDING - FURTHER CONSIDERATION.

On motion of Representative **VALENTINO** of Saco, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "A" (H-542)** to **Committee Amendment "A" (H-425)**, which was **READ** by the Clerk.

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. This amendment allows for the dual liquor license for only wine and strips the malt liquor from the bill. It also raises the age for the servers from 18 to 21. It also includes the current definition of a "full meal" that's in the statute in a different place, included also in this session, and it increases the required restrooms from one to two.

Subsequently, **House Amendment "A" (H-542)** to **Committee Amendment "A" (H-425)** was **ADOPTED**.

Committee Amendment "A" (H-425) as Amended by **House Amendment "A" (H-542)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-425)** as Amended by **House Amendment "A" (H-542)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-446) - Minority (4) Ought Not to Pass - Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Establish a Health Care Bill of Rights"

(H.P. 830) (L.D. 1205)

TABLED - June 1, 2009 (Till Later Today) by Representative **TREAT** of Hallowell.

PENDING - Motion of same Representative to **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 Newcastle, Representative **McKane**.

Representative **McKANE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm sorry to say that I don't believe this is the right time for this bill, and I think it will do more harm than good to Maine's ailing health insurance industry. In fact, I think it's just one more nail in the coffin. What it will not do is it will not lower premiums and deductible amounts; it will increase them. It will not bring competition to our monopolized health insurance market; it will stifle it and push it away. And it won't cut administrative costs to health insurers; it will add to them. Maine arguably has the most regulated health insurance industry in the country and it is no coincidence that we also pay more of our income for health insurance than anyone else. These two facts are inseparably intertwined. It's interesting to look at the chart that I passed out

the other day showing the administration and total hospital and medical expenses, and down at the bottom is administration. That's not where the problem is, if you look at that chart. I don't know if you still have it or not. The problem is health care costs and adverse selection that goes with them. That's where the problem is. This is not going to help that situation; it's going to hurt it.

A couple of things about this bill, what it will do: It will require insurers to send notices of rescind and cancellation of policies. According to the Anthem rep, that's 400 or 500 new pieces of mail a month and reprogramming of the computers to flag when this situation occurs. Basically, it's absolutely unnecessary, but it will mean more administrative costs. It will mean a publication of all policies. The most popular policies must be published on the websites. Do you think a couple of dozen pages of contract legalese is really going to help anyone other than maybe some lawyers? I don't think I'm going to be reading. It will require an explanation of benefits. Well, there's already an effort underway nationally to do this and that would be the thing to do. Ultimately, this will simply add more administrative costs with little benefit. It will require the superintendent to develop standardized policies that all companies would have to offer. Well, we already did that, and we tried it and it didn't do anything. It didn't add more transparency; it just added more administrative costs. But probably the worst thing that this bill does is the change to the minimum loss ratios. Can you imagine a new company trying to come into Maine with these newer, stricter loss ratios, taken out of that little tiny bit in the graph that you see, it's just cutting into whatever they have to work with, which isn't much. Adding more burdens like these to administration will simply add to the cost of doing business in Maine, both for the insurers themselves and for the businesses that purchase insurance for their employees. Trying to solve a problem caused by over regulation with yet more regulation is like trying to untie a knot by pulling tightly on both ends of the rope. If that knot doesn't come undone, it must mean we're not pulling hard enough? I don't think so. It's only going to make the knot tighter. Madam Speaker, we've got to stop pulling on this rope. It's strangling our health insurance industry and the businesses and families that they insure. It's time to give the people of Maine some slack. Please vote against LD 1205. Thank you, Madam Speaker.

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

Representative **RICHARDSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. LD 1205 I consider as a bill that just throws another wrench at a fragile, small group market and denying the individual in a dying individual market. Profit regulation is absurd. The Bureau of Insurance already has this power. Health care costs are rising out of control and we want to manage profits of employers who pay income taxes, pay employees' salaries, purchase equipment, pay licensing fees to the Bureau of Insurance, and I could go on about the positive effect these companies have on Maine's economy. The bottom line is this bill wishes to increase operating expenses of the health insurance carriers and, at the same time, limit how much money they can spend on operating expenses. How many members of this body have had a complete understanding of their health policies over the years, including your present insurance coverage? Ladies and Gentlemen of the House, I ask you to oppose this pending motion. Thank you.

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

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I urge you to

support the Majority Ought to Pass Report of the Committee on Insurance and Financial Services. This legislation will make our health insurance marketplace work better by providing information to consumers, so that they can compare insurance policies as to price and coverage before they buy those policies. This provision will increase competition in the marketplace about which we have heard so much.

Secondly, as already pointed out, the bill changes very slightly the minimum loss ratio, from 78 percent to 80 percent for the small group market only. This means simply that averaged over three years, an insurance company cannot spend more than 20 percent of the money that you pay for your insurance premiums on administration and profit, and 80 percent must go to paying your health claim. This is a reasonable provision that applies only in the market area where we actually have a great deal of competition, and in fact, there was only one company that did not meet that requirement already, even though it hadn't been in effect.

Thirdly, this legislation will make the decisions of the insurance superintendent more transparent by requiring information to be made public that is submitted to the insurance superintendent that would justify rate increases. Again, we have heard a great deal about why is the superintendent either granting rate increases or not, or whether they should have been a different amount than what was proposed. This information will be helpful to consumers and will also shine a light on what the practices really are so that we know whether or not rate increases are justified.

Fourthly, this will require that the insurance superintendent do at least every five years a market conduct exam. This is something that the insurance superintendent has committed to do, but in the past has not been done. What is this? Just simply if a claim is not paid, if a company does not comply with the terms of its own policy, a market conduct exam allows the superintendent to see that that is happening and to find out how frequently it is that a particular company in the marketplace is not complying with the law, is not paying the claims promptly, or, on the other hand, is doing all of those things and is doing a wonderful job and it allows the superintendent, as well as the public, to know that that is the case. The legislation also has several provisions which are consumer protection provisions providing additional notice about changes to the policy, additional notice to doctors and other medical providers, and information about how they are being ranked and tiered and reported on, so that they know what information is being used when the insurance companies say you should go to this doctor because they are a better doctor for this reason or that reason, it's basically just transparency so that they know what it is based on. Further, there are some provisions, one relating to continuation of prescriptive drug access, when a doctor has already prior authorized something so that your insurance doesn't cut off your prescription drugs, when your policy changes to another company, and that would only come into play if that other company already has a prescription drug benefit.

There are a number of other provisions, but the long and short of it is that this is consumer protection legislation, it improves the marketplace by making it more competitive. It is not going to do anything that will imperil the access to the market of any company that is providing a product that isn't a substandard product. This is going to be fairly easy to comply with for these companies that are already here or for companies that seek to provide additional policies. And, in any event, we have the superintendent of insurance doing a major study to look at the whole marketplace and the comeback with recommendations specific to the individual market, which we are not touching with

this medical loss ratio. This is an excellent bill, it was worked very hard by our committee, there were a tremendous number of compromises that were made from the beginning to the end of the process, it's a piece of our health care reform agenda and I urge that you follow my light. Thank you.

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. 202

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

NAY - Austin, Beaudette, Beaulieu, Bickford, Browne W, Casavant, Cebra, Chase, Connor, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossel, Gifford, Greeley, Hamper, Hanley, Hayes, Johnson, Joy, Knapp, Knight, Kruger, Lajoie, Langley, Lovejoy, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Rosen, Sanborn, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Van Wie, Weaver, Willette.

ABSENT - Ayotte, Burns, Celli, Clark T, Cohen, Giles, Harvell, Lewin, Peterson, Pratt, Robinson, Welsh.

Yes, 80; No, 59; Absent, 12; Excused, 0.

80 having voted in the affirmative and 59 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-446) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-446)** and sent for concurrence.

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

SENATE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (S-283) - Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act To Permit Charter Schools in Maine"

(S.P. 522) (L.D. 1438)

Which was **TABLED** by Representative SUTHERLAND of Chapman pending her motion to **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: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill was before us in the 122nd Legislature and I got up and I spoke against it then, as I am speaking against the bill now that is Ought Not to Pass. In the last Legislature, we were battling with funding education at 55 percent, and I didn't think it was any time to start getting charter schools or with the government funding some of it for one year and then we were on our own. Now we're struggling with schools for the last couple of days with consolidation fines and everything else. I don't think it's any time now to be thinking of starting charter schools, so I think this bill Ought Not to Pass. Thank you, Madam Speaker.

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

Representative **BOLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this motion. I have a son who benefited a great deal from what would be a public charter school that has been in existence in Kennebunk for some time and has been such a great benefit to students who maybe aren't quite so much a fit for the public schools that we have today, and have to say there were students that came there, who were very brilliant and those who were very troubled, that basically were probably on the list to drop out of school. And, because they had a different way of teaching, they recognized the benefits of treating people as individuals and finding their way of learning, and it has had tremendous support from the community with all sorts of business people and artists and all sorts of other folks coming to that school. I can't tell you how people changed, how the students changed and how devoted the parents have become because of the changes they see in their children, really flourishing and succeeding and excelling and going on to some of the top colleges in the country, children who were otherwise being somewhat left behind. So I'd urge you to oppose this bill for the benefit of children. These kids really shouldn't have to be the ones who pay for our system. If our system has got trouble, it's not their fault. If they've got a chance for success, they shouldn't have to be deprived of that so that a whole larger system can survive better. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Dostie.

Representative **DOSTIE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in opposition of the pending motion. I believe that charter schools would be a good option for children in our districts that do not fit the cookie cutter mold the current public education system provides. New Hampshire has successfully been running charter schools for over 14 years. Supporting LD 1438 will encourage the establishment of public charter schools with specific focused curriculum instruction, methods or targeted pupil groups; it will improve pupil learning and increase opportunities for learning; it will enhance professional opportunities for teachers; and it will encourage the establishment of public charter schools that meet the needs and interests of pupils, parents, communities, regions and the state as a whole. I think now is the time to support our kids with the specialized curriculums that charter schools provide. Please follow my light and vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Very briefly, there isn't one of us in this chamber who doesn't want the very best options for all the kids in our public schools in the State of Maine. We want all those programs, we want caring

teachers, we want caring administrators, and I do believe that we have caring teachers and we have caring administrators. There is always some issue somewhere, but we have very professional leadership in our schools with the resources that they have. We have local school boards who care very much. We are not the only people who care about the well-being of the children of the State of Maine. That being said, if we had resources all over the place, we could do many wonderful things. I am very greatly in admiration of those school districts, from Madawaska down to Kittery and everywhere in between, who have done innovative programs over the years using the resources at hand. I know in my community, there has been an alternative school; I'm going to say for at least 20 years, I may be a little fuzzy on the number. You all have them. Sometimes they are a separate school, sometimes they are just a program within a school. But local folks use it as much as they can.

In slightly more than 12 months, July 1, 2010, FY'11 sounds a long way away, but July 2010 is not very far away. We are going to start a new fiscal year for our schools, almost \$70 million in the hole already to keep it flat. Now that is going to be a great challenge, Ladies and Gentlemen, that we are going to have to address collectively over the next session, because I don't expect the heavens to open and dollars to fall down. Charter schools are publicly funded. The dollars follow the students. If you have seven students that leave a school district to go to a charter school, roughly \$7,000 each, which is their allocation, that's roughly \$50,000 that goes with those students to the new charter school. However, it leaves the superintendent, who is left behind, with the same light bill and the same phone bill and the same overhead and the same lunch program and the same bus drivers. There are fixed costs in every school district in the state and the money does flow with the students when they go to a charter school. It may not seem like much to you, but I suspect that I can find a few superintendents in the State of Maine who will tell you that \$50,000 has quite an impact when you've got scarce dollars that you're trying to spread. So I don't want to belabor the point, it certainly is an issue that we were concerned with on the committee, which is why we ended up with the vote that we did. If we had greater resources that would be fine and I want to clarify one thing: There are some federal dollars available. There is a program right now that charter schools can apply for up to \$400,000 over a three year period. That's over a three year period and then that stops, and then it's the local folk's issue. Four hundred thousand dollars divided by three is \$125,000 or \$130,000 a year, and that might buy you two teachers and maybe somebody at the front door, but it won't go very far at running a school. So financial concerns, primarily providing programs that are as tailored as possible to school kids, is something that we all share, but the reality is, and we have to think about what's real here, we just don't have the money to do it. Thank you, Madam Speaker.

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 rise today in opposition to the pending motion, in support of 1438. One of the things that really, really is important to me is the education of our youth, and innovation and alternative means of reaching those children is incredibly important. I would like to speak to a couple of points that have been raised; I won't stay on the floor long, but the cost that was just alluded to by the good Representative who chairs the committee, the concern of siphoning money away from the public school system. That's not exactly correct. The money does follow the student, but students enrolled in charter schools will count in their district for all state

subsidy purposes. The money that will follow the student is the money in particular for the individual child. Charter schools come in various designs and styles. It does reach those who could conceivably drop out of our system, creating far more problems to society. They reach out in an innovative way. They also reach out to students on the other end of the spectrum, who are looking for a challenge that the current traditional public school might not provide. I can speak of that from personal experience. My grandchildren are actually products of the charter school out in the State of Colorado. My kindergartener, while matriculated that charter school, was learning Japanese and German as a five year old. That's the best time of one's life to learn a language. They do things in a way that really challenges students.

This program that we're proposing here, 1438, it's a phase-in program, and it's capped to the number of school systems that could employ this. It will be used only with the permission of those school districts. I personally have served many, many, many years on the local school board; I chaired it for several, so I favor public education. This charter school concept is just another, if you will, an aberration from the traditional way of looking at things. Again, I think I can point to myself as an example of an individual who loves education, loves students, who is not qualified to teach in our public school system, but ironically, I taught for several years in the state preparatory school that prepares our teachers, the University of Maine at Farmington. I could teach Gould Academy or any of the private schools, but I cannot teach in the public schools of this state. I could teach in a charter school system, because I'm not certified. I think this will bring in people from all walks of lives in a whole different manner.

I'm under no illusion about this bill passing, it's already been pretty soundly defeated over across the hall, but I'd be remiss not to stand up and encourage us to really think hard and long about this. Our state motto, *Dirigo*, we lead in the area of education? Not hardly. Forty other states have beaten us to the gun on this one. We are way, way behind the eight ball, and I strongly would encourage everybody in this chamber to send a message across the hall that they made a mistake on their vote, and we ought to defeat this motion and vote in favor of 1438. Thank you, Madam Speaker.

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

Representative **LOVEJOY**: Thank you, Madam Speaker. I rise in support of this motion and there are a couple of reasons why and one of them was in the paper just yesterday. Casco Bay High School is an alternative high school in Portland. Casco Bay High School was created for those kids at risk. They just graduated their first class; 98 percent of the them are going on to school, going on to college. It's a wonderful success story. We have the ability to create this in our system now. I was with the majority in this case, and I urge you to support this motion for a couple of reasons, but the biggest of all is the funding on this, and let me just make a quick example. Casco Bay High School would be an excellent school to convert to a charter, but it can be converted so that it's open to all school districts. So if 25 students from South Portland decided they wanted to go to Casco Bay High School, South Portland would have to send a check for a couple of hundred thousand dollars over to Portland. It would be great for Portland. I'm not so sure South Portland would be so happy, so this really is a financing bill in terms of how we're funding education. I don't want to see us get into a beggar thy neighbor routine of who can create a charter school and draw students away from the towns around them, because the towns around them will not have a vote. This bill says a child can go and apply and go to a charter school. So if you think this

is going to work, it isn't totally local control. It's local control for the first one to act. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise for the first time in this House to speak on a bill. In some ways it may seem curious that I would choose the Charter Schools bill to make my first comments on the floor. I am a strong believer in and passionate supporter of public education. My husband and I both attended public schools; our three sons all graduated from Falmouth High School. I believe public education is the great equalizer in our country – it has created an open society in which anyone who wants to work hard has the opportunity to realize his or her dreams. Charter schools are not an issue I had on my radar screen as something I wanted to champion when I arrived in Augusta.

So why do I stand in support of this legislation and in opposition to the pending motion? This legislation is enabling legislation which would allow for a limited number of pilot charter schools authorized by local school boards or higher education institutions to be established over the next decade. I have read a great deal about this educational option, I listened carefully during the public hearing, I have tried to learn as much as I can about our educational system in Maine – what works well, and where we are not doing as well as we need to.

First, I am deeply concerned about Maine's high drop-out rate – almost 3,000 children every year drop out of our public school system. If there is a way we can design an educational setting that will provide a successful educational home for these at-risk students, I think that we should do that.

Second, to quote Commissioner Gendron, the effect of charter schools on student achievement is well documented nationally. Forty states have charter schools enabling legislation; no state has repealed a law that they have put in place. The Federal Government is encouraging innovative educational programs, and the Secretary of Education has made it clear that states will hurt their chances to compete for the "Race to the Top" funds, which you've heard about this morning, about \$5 billion if they fail to embrace innovations like charter schools. Regulations are not finally drafted, but I have to believe that the 40 states that have charter schools enabling legislation will certainly be higher on the list of qualifying for those funds than our state that does not have that enabling legislation.

Third, we have talked a good deal in the Education Committee about educational pathways, multiple pathways, for our students. Students learn differently. Some are visual learners who learn through seeing. Some are auditory learners who learn through listening. Some are tactile/kinesthetic learners who learn through doing, moving, and touching. Some students withdraw and struggle in large classrooms; they need small classrooms. As good as our public schools are, they still have a huge challenge of educating all of the varied students that come through the doors, and they cannot tailor the programs to each individual student. Charter schools provide opportunities to develop content-based or theme-based schooling, perhaps focusing on the arts, music, business-school partnerships, world cultures to name a few, which address multiple and varied learning styles. We want all children to thrive in our schools.

Charter schools, as envisioned in Maine, are open to all students. Funding will follow the students. They will be established only when desired, planned, and authorized by the authorizing agent, either the local school district or a 4-year university with an education department.

Change is difficult. But in these times, when many of our

students are at risk of not completing their education, at the worst, or not thriving and meeting their potential, at the very least, I think that it is time for Maine to explore every possible educational avenue to help them find success and become capable and competent citizens. I think that this enabling legislation provides that opportunity, and includes safeguards, guidelines, support, and reviews so that we can assess its appropriateness and success in Maine.

To summarize, I urge this House to vote against the pending motion because charter schools provide an alternative and effective way to address Maine's high student drop-out rate, because charter schools enabling legislation is a necessary foundation for us to access federal funds for creative and innovative educational programs, particularly when we are competing against other states that have the legislation, and because our youth need options in order to be successful. Let's choose a path that will enable our state to explore some creative educational systems through a carefully controlled charter school process. I urge you to vote against the pending motion. Thank you, Madam Speaker.

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. I would like to echo the comments of my colleague from the Education Committee, Representative Nelson. She covered many of the topics that I had intended to talk about, so I will be brief. This is a time when we should enable our school system to establish charter schools. It seems to me the argument always boils down to the monetary effect on the public school system, but I think we should keep in mind that these charter schools would be chartered by local school boards. So if there is no desire on the part of the local school board, be it RSU, union or other, then there is no reason to establish this charter school. But if we would like to unleash the innovation inherent in the Maine citizen, this is a way to do it, and I believe it is a way to improve education by cutting bureaucratic requirements and allowing access to additional federal dollars. These schools could be chartered around any specific theme and they could support all of the students of any ability in our school system. For instance, the school system that I'm the chair of, the school union has long thought of establishing the theme of outdoor education, being involved with the logging industry or the outdoor recreation industry, and we live in a community that would be very supportive of this and it would open the door to private funding. As most of you know by now, our towns in this school union are minimum receiving towns, so we get very little money from the State of Maine. This would provide an opportunity to enhance the education of our school system and allow innovation to take route. So I plead with you to consider your vote on this and vote in support or oppose the current nomination on the floor. Thank you very much.

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

Representative **MAGNAN**: Thank you, Madam Speaker. Madam Speaker, Honorable Representatives of the House. As a 34 year long educator on every level, from teacher through superintendent of schools, school board member, and including parent and grandparent, I am a person who has actually participated in going through the process of considering a charter school in one of the places where I lived. Let me tell you, and that was in the inner city where these schools seem to be thriving. Our students in Maine have alternatives, they have alternatives for high school students and alternative local towns, sometimes we have to send them out of town, but there are

programs. And then there are students who are struggling in the classroom and we have programs for children with learning disabilities or visual, auditory impairments or disabilities of some sort, we have a huge and very complex and really quite wonderful system of special education for students who need that. So who is going to look at this charter school? Unfortunately, it turns out that very often it becomes an elitist school. Maybe my grandchildren and I know I would love to have them studying Japanese and German, but at the Stockton Elementary, we're barely surviving as a school, never mind as a charter school. We have the math, the Maine school up in Presque Isle for math and sciences. I think another one in the arts, performing in fine arts would be lovely, but that doesn't have to be a charter school.

Another big concern I have is for certification. I attended a Christian school when I was a kid and I had such bad math education from grade kindergarten through grade four, I could barely do the times tables, because of why? I had wonderful, sensitive, nurturing, caring teachers, who didn't know how to teach math. I would like to see all of our students under the tutelage of prepared and certified teachers. I think that's one of the things that bothers me the most about this aspect of the charter schools. Can Maine teachers do it in our little schools and our little rural schools and our city schools? Yes, they can. Do they provide alternatives? The Representative from Greenville would like to have one of his schools reach out to the wood industry, the paper and the great north woods. Why don't you do it? Your school board, we all claim we love our school boards because they care for our students and they provide local education, the kind that people want. They can reach out, they can form a liaison with those wood product industries or with the guides, Maine guides for that matter, and they can provide that kind of a program right in one of the elementaries or in their high school. They don't have to be bound. You can have a public/private alliance with businesses nearby, that's not forbidden and it's a wonderful thing. In a town where I was a principal, I had one with General Electric. At the time, believe me, I did quite well, thank you, with that partnership, and I had kindergarten through grade three at the time in that school. We provided them with art shows; they provided us with wonderful art supplies. So I think that the notion of not being innovative and creative, I don't believe in that. I think it's up to our school boards and our teachers association, who are doing big pushback on this when they should, I think it's up to them to step up and to prove to all the people here who are concerned, who don't believe it's happening, to show that it is, that the children's needs are being met. We can't change their family life, that's a shame, we'd love to but we can't. But we can do in our schools; we can nurture those children and teach them the schools they know. If we do a good enough job, we may even get some of our home schoolers back, which would be wonderful, and that's a big block of students that I would love to see yearning to get back into our local, public schools. I don't believe rural Maine can deal with this and to just turn local Christian schools into charter schools, I don't think that's the way to do it either, because curriculum still has to be public school curriculum, and I wouldn't want to see them have to cave in on what it is they believe just to have a charter school. So I think that we have to press on our school boards and on our teachers associations that they are the silver bullet, if they choose to be so, not the charter schools. Thank you.

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

Representative **WAGNER**: Thank you, Madam Speaker. I rise in opposition to the pending motion. The Representative

from Livermore Falls has already made some very good points. Two of my colleagues on the Education Committee, the Representatives from Falmouth and Greenville, have also added extremely important points. The Representative from Stockton Springs says that many of these things we can already do, and maybe she's right, and where that is true, as has been pointed out, the local school boards need not approve the establishment of a charter school. Remember that these schools need school board approval or sponsorship by higher education institutions.

There is a Minority Report with some amendments to handle some of the concerns that people have and some of the concerns that I had. We don't know how well these will work. This is essentially being set up as a pilot program to see how the charter schools will do in Maine, and the Minority Report handles this by limiting the number of charter schools there will be by having a report back so we know how they are doing. Charter schools also permit private funding, which is important. Their limits on the number of students who can come from any given school district, which handles or at least eases some of the concerns about the loss of income to school districts, but with private funding, some of that may be able to compensate. This is an opportunity for innovation, further innovation. Our schools, our educational system certainly needs that. The good public school teachers, we know they're overworked, many of them, particularly the good ones. I'm not concerned about the issue of elitism. For these public schools, the Minority Report handles that by referring to priorities for particular kinds of charter schools. I'm not concerned about the issue of certification. There are limits that can be put on that. This is an opportunity for us to give charter schools a chance to prove themselves. It won't be a lot of them, at least for the first decade. It will be a very controlled number. I encourage you to reject the Ought Not to Pass amendment and allow us to look at the Minority Report, which I think will satisfy many of the concerns that people have. Thank you, Madam Speaker.

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

Representative **CASAVANT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I think that today is a very important moment for us to make a statement about the quality of education in Maine. As many of you know, I've been a teacher for 33 years and, during that time, I've taught well over 1,000 students. Some of them have gone on to have exceptional careers, some of them were natural in the classroom; they could read, they could write, they could speak. But there were always others who seemingly fell through the cracks, that I couldn't reach, that others couldn't reach, and to this day that bothers me, because if I define myself as a teacher, I guess one way to look at it is how many kids do you actually help and I know there are some that I couldn't do that, and I have always struggled with why. Well maybe it's me, but maybe also it's the system that we talk about, the public education system. Yes, we all look to it in terms of affection, we look at in terms of a leveling field, but the truth is more complicated than that. That's more or less a myth. There are people or kids who cannot succeed in the current system. Now maybe we can say to ourselves, or delude ourselves, that the Maine Learning Results and putting money in that area is going to help. I don't think so. With over 2,000 to 3,000 kids dropping out in the State of Maine now, we have a problem. As was indicated, 40 other states have charter schools. It must be working if nobody else is eliminating it. I think our stumbling block is a fear. We have this fear of change which is natural, but this is a pilot project, a chance to try something new, to reach out to those kids that might be talented in a particular area but cannot do school as we know it. So I would like to have

an opportunity to say to those kids, we are giving you a chance at a different way to succeed. We have to break away from the stereotype of this being simply an elitist school. It's not; it's targeted for at risk kids, those kinds that don't make it. If you look at the people in the public who have said, yeah, we like the idea—*Kennebec Journal, Bangor Daily News, Portland Press Herald, State Board of Education*—70 percent said yes in a poll. It seems like everyone is for it and now it's time for us to say let's give it a chance. Thank you.

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

Representative **CAMPBELL**: Thank you, Madam Speaker. I've been quite amazed that we spent the last couple of days talking about consolidation and schools, fining school districts, and here we are today, all kinds of money, and my good friend across the aisle, I hope he's still employed, because when I go home on weekends, I have to listen to the poor teachers that are getting laid off. When these teachers and librarians get laid off, when it happens they make the classes much larger than what they are and that hurts the children. I support the children as much as anybody else in this chamber, but I also support the teachers that teach them, and why we debate one day and two days about all the problems of the school system, now we stand up here and want to start a whole new one, when we can't get the one we've got straight. So I don't know why we're wasting all our time talking about charter schools. If they're so good, when we get the time and we get the money and the resources, let's get the charter schools. But right now, let's not spend two days debating about the school system we've got and laying teachers off and cutting back on the librarians, and then come in here and, two days later, say let's start charter schools, our kids deserve it. Our kids deserve what we already have and for us to get it straight.

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 was on the first admissions board of the charter school in Limestone. What I learned is I agree with the good Representative from Portland, Representative Lovejoy, this was an expensive option. The evidence of it was, at that same time, they were talking about starting a fine arts charter school also in Portland, and we had the building all ready to go and the state didn't come up with the money. That's what we're going to end up with now, I think. What I noticed was on that board to accept kids was it weakened other schools in the area, as they took the best school students. I don't have much experience in education, I only taught for 40 years. What will happen all over the state if we take all the best students out of the schools and put them in, what we're trying to do is to develop elitism. Students do well in their own schools. I've taught in all sorts of schools. I taught in a school where 96 percent of the kids went on to college, and I taught at one where 20 percent went on, and I think that charter schools, the charter school in Limestone is a good idea. It gives kids an opportunity for private school, but I don't think putting them all over the state is a good idea, and I'm going to support this Ought Not to Pass. Thank you very much, Ladies and Gentlemen of the House and Madam Speaker.

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. I must confess I'm a bit confused about the size of schools. I was a little late this morning because my son is graduating and there was an honors award for his class, and as I stood there at Mount Blue

High School, I asked the principal what's the school size of this class. It's 182. When I graduated from there in 1981, it was 340. The good Representative Harlow mentioned yesterday or the day before when we were talking about consolidation that they had learned that the school size of 7,000 was about ideal for consolidation. I don't know where in my district where you'd find 7,000 students without bussing them in. The school sizes are shrinking. The argument for a class size is being redundant. In Kingfield there is a kindergarten teacher that has five kids. They closed the school in Weld; there weren't enough students for it. I think any pilot project that we have in the future may be able to benefit some of these small, rural areas should at least be looked at and, therefore, I will be voting against this measure. 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. 203

YEA - Adams, Beaudette, Beaudoin, Beaulieu, Blanchard, Blodgett, Briggs, Bryant, Cain, Campbell, Clark H, Cleary, Cohen, Connor, Crockett P, Driscoll, Duchesne, Eaton, Eves, Finch, Flaherty, Flemings, Flood, Gilbert, Goode, Harlow, Haskell, Hogan, Innes Walsh, Jones, Kaenrath, Knapp, Lovejoy, Magnan, Martin JR, Mazurek, McFadden, O'Brien, Pendleton, Peoples, Perry, Plummer, Priest, Rankin, Richardson D, Rotundo, Russell, Sanborn, Saviello, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Valentino, Van Wie, Webster, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beck, Berry, Bickford, Boland, Bolduc, Browne W, Butterfield, Casavant, Cebra, Chase, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Dill, Dostie, Eberle, Edgecomb, Fitts, Fletcher, Fossel, Gifford, Greeley, Hamper, Hanley, Harvell, Hayes, Hill, Hinck, Hunt, Johnson, Joy, Kent, Knight, Kruger, Lajoie, Langley, Legg, MacDonald, McCabe, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, Percy, Pieh, Pilon, Pinkham, Piotti, Prescott, Richardson W, Rosen, Sarty, Schatz, Strang Burgess, Tardy, Thibodeau, Thomas, Tilton, Tuttle, Wagner J, Wagner R, Weaver.

ABSENT - Ayotte, Burns, Carey, Celli, Clark T, Giles, Lewin, Martin JL, Peterson, Pratt, Robinson, Sykes, Watson, Welsh.

Yes, 65; No, 72; Absent, 14; Excused, 0.

65 having voted in the affirmative and 72 voted in the negative, with 14 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-283)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-283)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Provide Free Admission to State Parks to All Maine Veterans" (EMERGENCY)

(H.P. 1043) (L.D. 1488)

Sponsored by Representative CORNELL du HOUX of Brunswick. Cosponsored by Senator BLISS of Cumberland and Representatives: CAIN of Orono, CROCKETT of Bethel, PIEH of Bremen, Speaker PINGREE of North Haven, TRINWARD of Waterville, WATSON of Bath, Senators: President MITCHELL of Kennebec, SULLIVAN of York.

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

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence. **ORDERED SENT FORTHWITH**.

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

Resolve, Establishing the Blue Ribbon Commission To Study Landlord and Tenant Issues (EMERGENCY)

(H.P. 747) (L.D. 1080)

(C. "A" H-489)

Which was **TABLED** by Representative PIOTTI of Unity pending **ADOPTION** of **House Amendment "B" (H-546)** to **Committee Amendment "A" (H-489)**.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you, Madam Speaker. As I've said before, the amendment removes the Attorney General from the working group to study issues related to landlords and tenants and essentially will eliminate the fiscal note. Thank you, Madam Speaker.

Subsequently, **House Amendment "B" (H-546)** to **Committee Amendment "A" (H-489)** was **ADOPTED**.

Committee Amendment "A" (H-489) as **Amended by House Amendment "B" (H-546)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-489)** as **Amended by House Amendment "B" (H-546)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

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 (11) **Ought to Pass as Amended by Committee Amendment "A" (H-281)** - Minority (2) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding Alcoholic Beverage Tastings"

(H.P. 353) (L.D. 498)

TABLED - June 3, 2009 (Till Later Today) by Representative PIOTTI of Unity.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-281)** was **READ** by the Clerk.

Representative WEBSTER of Freeport **PRESENTED House Amendment "C" (H-545) to Committee Amendment "A" (H-281)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Freeport, Representative Webster.

Representative **WEBSTER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'd like first to compliment the committee for the structure and the care that they put into this legislation. If one believes that alcohol in grocery stores is to be done, the structures crafted by the committee are to be commended. I don't agree with the underlying premises for reasons I will speak to in a moment; however, I want to thank the sponsor and the representatives from the industry for the work that they have done with me and members of the committee to address my concerns, thus the compromise, or the middle ground, which is the amendment you have before you. So I want to thank the good Representative from Sanford, Representative Tuttle, for his cooperation and his efforts to continue to keeping coming back to see how we could find some solution that I could live with.

I'd like to just point out for a moment that I have had handed out to you a yellow, two page factoid and information regarding alcohol and the impact on young people that I hope you'll take an opportunity to look at. I also will be sending out, in the near future, some information regarding best practices that have evolved over the last 10, 15 years regarding alcohol and youth, that is being sent to me by the Office of Substance Abuse. But I do want to speak to the amendment which will require that when tastings take place in public settings, that they are done in such a way that children will not see them. Why? Well research shows that children begin drinking at age 12 to 14 these days and, if they do so, they are at much higher risk of becoming alcoholics. Evidence based studies have spoken to the effects of public alcohol consumption on the mental imaging of children, that is what are the images that are formed in their minds and the expectations that they begin to develop by seeing drinking in public. There was a recommendation of a study to promote healthy social environment, states children benefit from the reduction in public drinking. The Doctor Jay Edward Hill, M.D., served as the Chair of the American Medical Association. During his tenure, which was during a significant time of development of studies and changes in awareness about alcohol and youth in the late 1990s, Dr. Hill stated children are consuming alcohol on the average of age 12. That's age 12. By the way, the studies show that these 12 year old children express a preference for their type of alcohol: 12.9 percent of them express a preference for beer, 13.1 percent express a preference for wine, and 13.4 percent express a preference for hard liquor. Dr. Hill went on to say alcohol in youth is one of the seven completely preventable behaviors placing American children at great health risk. Dr. Hill presented the American Medical Association's plan of action. The very first phase of the action was to promote the creation of alcohol free zones, specifically in public places. Why? To quote, "watching, drinking has an immediate impact on the viewer themselves and early exposure leads to a higher likelihood of drinking." Now I told you I passed out a yellow handout with factoids, and if you happen to have it and you open it up, you'll notice that the second bullet or the second paragraph on the second page says youth who begin drinking before the age of 15 are more than four times more likely to develop alcohol dependence than those who begin drinking at the age of 21, and the direct cost of underage drinking incurred through medical care and loss of work cost Maine taxpayers an estimated, that

should say \$90 million each year. The National Research Council and Institute of Medicine stated enactment and implementation of prevention programs will be seriously impeded if there is ambivalence about reducing underage drinking.

Madam Speaker, I again will ask that we in this body develop a policy that is consistent with the best practices that have been proven by science to help our young people to be healthy, well, fully developed adults, successful citizens. And I ask again that, in the future, we use the best practices in forming the legislation that we enact in this body. We owe it to ourselves, we owe it to our children and grandchildren, we owe it to the future of this state, and with that Madam Speaker, I will support the amendment. Thank you.

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

Representative **TRINWARD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. The committee worked very hard on this bill. I am rising to support the amendment, because we did have concern that grocery stores might prove a little bit difficult. We said that they would need to be blocked off, so this is not that far from what we, the committee itself, was hoping for, and that is just that they would be allowed to have their tastings, but they would have to hold it in an area where families, children, parents, grandparents wouldn't be wandering through shopping. So that was discussed at the committee, so that the children can't view it is an acceptable compromise I think. 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. August 12, 1975, I remember well. I was climbing, coming down the mountain, and it was the first time in my life I ever saw my father drink a beer. I thought the world was going to end. I'd seen people drink in public before and it had never affected my decision, and don't really drink much now myself. But my family, that's what affected my decision. This bill, although it's not mine, a piece of mine was chopped up into this and that is the beer tasting aspect of this. There are a bunch of microbrewers that would like to be able to have their product tested and sampled in areas. There is a bit of burgeoning industry out there, maybe we'll have the next Sam Adams. This is not undue and the decision to drink is probably going to happen much more within a person's home and not if they happen to witness someone sipping a beer. Wine tasting events aren't generally places where winos show up; neither will they be for beer. Thank you, Madam Speaker.

Subsequently, **House Amendment "C" (H-545) to Committee Amendment "A" (H-281)** was **ADOPTED**.

Committee Amendment "A" (H-281) as Amended by House Amendment "C" (H-545) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-281) as Amended by House Amendment "C" (H-545)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

Bill "An Act To Preserve Home Ownership and Stabilize the Economy by Preventing Unnecessary Foreclosures" (EMERGENCY)

(H.P. 994) (L.D. 1418)
(C. "A" H-524)

TABLED - June 4, 2009 (Till Later Today) by Representative TREAT of Hallowell.

PENDING - **PASSAGE TO BE ENGROSSED.**

On motion of Representative TREAT of Hallowell, 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-524)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-547)** to **Committee Amendment "A" (H-524)** which was **READ** by the Clerk.

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

Representative **TREAT**: Thank you, Madam Speaker. This is an amendment that is endorsed by all of the Insurance and Financial Services Committee members. It is an amendment to the Unanimous Committee Report which establishes a court sponsored mediation program administered by the courts for residential properties in foreclosure, and on the back of the goldenrod sheet, there are a couple of bullet points on that program. The amendment does the following: First, it corrects a technical error and it also corrects a renumbering. You may want to know the details that due to a conflict with budget section Part AAAA, Section 4, there is a different number that we have to put in because they already used it. It clarifies that the mediation program is only for primary residences, not vacation homes, for example. Finally, it requires the court to report on the program and how it's working and whether it is still needed after it has been in operation for two years, and provides the committee with the opportunity to enact legislation or to propose legislation to address the recommendations of the court. I hope that you will support this and the bill as well. Thank you.

Subsequently, **House Amendment "A" (H-547)** to **Committee Amendment "A" (H-524)** was **ADOPTED.**

Committee Amendment "A" (H-524) as Amended by **House Amendment "A" (H-547)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-524)** as Amended by **House Amendment "A" (H-547)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

HOUSE DIVIDED REPORT - Report "A" (11) **Ought to Pass pursuant to Joint Order 2009, H.P. 63** - Report "B" (5) **Ought to Pass as Amended by Committee Amendment "A" (H-505) pursuant to Joint Order 2009, H.P. 63** - Report "C" (1) **Ought Not to Pass pursuant to Joint Order 2009, H.P. 63** - Joint Select Committee on **MAINE'S ENERGY FUTURE** on Bill "An Act Regarding Maine's Energy Future"

(H.P. 1038) (L.D. 1485)

TABLED - June 3, 2009 (Till Later Today) by Representative MARTIN of Eagle Lake.

PENDING - Motion of same Representative to **ACCEPT** Report **"A" OUGHT TO PASS PURSUANT TO JOINT ORDER.**

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. To me, this is a great day because we are going to put in place an energy policy for the entire state for the first time, attempting to move us forward into

the next century. We will be one of the few states in the country to have accomplished this as quickly as we are doing. I first want to thank members of the special committee, who participated in putting this bill together, and then, in the last month, for all the people who have participated in making changes to this document and most of those I'll be offering as House Amendment "A" in a few minutes once we accept the Majority Report.

What this bill is, is an attempt to consolidate the Efficiency Maine, the RGGI Trust, Weatherization, and put it together in a commission or board that will then control and a board that will be appointed by the Chief Executive and confirmed by the committee and the other body. It creates for the first time a one stop, residential and business customers, where they can go and get information on efficiency programs. It is clear that we are moving to achieve the goal that the Chief Executive laid out to try to bring efficiency and weatherization to the vast majority of Maine homes in a 20 year period. The bill creates a study commission as well which of course has been the result of many discussions on what we ought to do with the corridors for transmission purposes.

This, in my opinion, is one of the more difficult issues that we dealt with, but it provides, I think, a mechanism for us to report back in January to deal and to try to determine what ought to be the value of that land that would be used through Maine for a corridor to bring power from another country to the Boston area. It is clear to me that, and there are some that wanted us to do more and you may remember that a number of the bills contain a funding mechanism of a surcharge on oil, but we felt that this time that it would be better to let it be studied and come back with a recommendation on how we do it for the long term. What we have now is the federal money which will be distributed through this process, and the new hope that we'll have a \$30 million, or somewhat close to, bond package to take us to the next level, and then that would help us to get, hopefully, through the next three or four years. But we do know, in the long run, we need to develop an ability to put money into this process to keep the efficiency of providing or improving our homes in the long run.

This also increases the amount of money that will be available for people to work on their homes and keep in mind that, and never should be forgotten, that more than 70 percent of our Maine homes rely on oil. We are the highest in the nation, second to us is the State of Vermont in the '60s, and after that everyone falls to 50 percent or below so we know we have to move in that direction.

One of the things I feel the happiest about in this bill is that we will stop weatherizing trailers that were built 30 years ago, because there is nothing you can do, nothing you can do to make them efficient. But what this bill does do is provide money so that we can move them out of those trailers into housing where, not only will they save money, but the State of Maine will save money by not having to provide oil for them at the rate that we do now. I know that some of you, and we all do in our various communities, have trailers like that and, to me, that was one of side things perhaps that maybe not you know for some people may not think that's a big victory, but to me it is. So I think I literally could go on all day and I don't want to do that, but I will leave with one last thing.

One of the other things we've done is to attempt to deal with coordination of the workforce development. That will be provided with Maine State Housing, the Public Utilities and the Department of Labor so that we have common standards and common direction on how these homes ought to be done. And so, with that, I am simply pleased to say that we have in the finally analysis, hopefully before it's all over today, almost a unanimous vote from every member in this body.

Representative PIOTTI of Unity assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Thank you, Mr. Speaker. Men and Women of the House. One of the most important and urgent priorities for this Legislature this session has been energy, especially to try to reduce energy costs for Maine's families and businesses. This past summer Maine got a vision of the future when the price of heating oil and gasoline skyrocketed. During your campaigns, each of you undoubtedly heard from countless constituents the plea to do something about energy costs, and I can say from a partisan perspective, each of you put on your campaign flyers that you would do something about energy costs. The reality is that Maine's heavy dependence on heating oil and our old, inefficient buildings makes us very vulnerable to volatile fuel prices. When we got a slight reprieve this winter, prices inevitability will rise again and they are already on the rise and our long-term economic security depends on our actions today. To that end, President Mitchell and I formed a Joint Select Committee on Maine's Energy Future. Today we have before us the work of that committee. I'd like to especially thank the Chairman from Eagle Lake, Representative Martin, for his leadership, and all of the members of the committee including the Republican lead, the Representative from Winslow, Representative Fletcher. They have worked incredibly hard, incredibly diligently. I will say that most of these members pulled at least double duty, if not triple or quadruple duty, as they served on many committees, but they sat through hours of testimony, work sessions, very difficult issues and they got us to this point, and I am hopeful we will have an overwhelming vote today.

The facts about Maine's energy speak for themselves. Last year Maine spent \$1.5 billion for heating fuel, 85 percent of which left the state. At the highest price last year, our total heating oil bill would have been over \$2 billion. Because 20 to 30 percent of our fuel is wasted due to the lack of weatherization in our homes and businesses, Mainers are paying nearly \$400 million a year more than they need to. This is a hidden tax we are currently paying, about \$750 per home on average.

As you all know and has been repeated, we have the oldest housing stock in the country and we are the most reliant on heating oil in the entire country. We have no choice but to take action. The reality is that we are taking action today on behalf of all of our neighbors: elderly people living in homes built in the early 1900s that lack insulation, young families who moved into new homes that are not properly insulated, small businesses who need to work on efficiency for electricity and heating costs, and large industrial corporations whose future survival depends on their ability to become more efficient and more profitable. They will all be positively impacted by this bill.

A major energy efficiency initiative is an opportunity also to put thousands of Mainers to work. Whether you are a builder, an installer, electrician and energy auditor, these will be good new jobs in Maine's emerging clean energy sector.

The committee drafted this legislation based on four basic elements of efficiency and weatherization. They said efficiency programs must help people reduce their whole energy bill, no matter what type of fuel they use. They believed administration of Maine's efficiency programs must be consolidated so that programs are more consumer oriented, effective and performance driven. They believed an effective and coordinated

approach to training and certification so that Maine can build its workforce and ensure that weatherization and efficiency are done well. They also considered an ongoing and sustainable revenue stream dedicated to support efficiency and weatherization efforts.

LD 1485 addresses three elements in an effective and very direct way. The new Efficiency Maine Trust created in this bill will provide a one stop shop for consumers and businesses to access so they can start weatherizing and improving their efficiency and reducing their costs. The new trust will formulate programs and structures to achieve the goals established in the bill, including weatherizing 100 percent of Maine homes, 50 percent of Maine businesses and reducing heating oil consumption by 20 percent.

You've probably heard some of the stats, but I think they bear repeating, because I think that what we've done this session is a big deal. Through an earlier bill we passed this session, we have a plan to spend \$79 million of federal stimulus money over the next three years on low income programs, on programs for the middle class, on programs for small businesses and large industrials. In this bill there is \$30 million for an affordable housing bond, for green housing, for a replacement of housing stock that is not able to be weatherized, like the trailers that we've heard about, building new green housing for those Mainers who can't afford homes. And as you all know, there is also a piece of unfinished business on our Calendar, a \$30 million bond to provide efficiency for the bridge year after we run out of the stimulus money in 2012.

But the point of why I step off the rostrum today is to remind you all that, even though we will be passing a significant bill, the state does need to deal with a sustained, dedicated revenue source for energy efficiency and weatherization work. We can't rely only on two years of federal stimulus money and the bond that will take us through the third year, although these are incredibly important steps. We need to find a long-term funding source to pay for these programs if we're going to ramp up Maine workers, Maine homeowners, Maine businesses to start depending on these programs. We need a long-term funding source. We know we already have a program like this in place for electricity, for natural gas, for oil cleanup, and even our gas tax, while ineffective, provides a funding source for the work on our roads.

This is an important first step. When the Legislature takes the important second step, which I know you will in the future, I may not be a member of this body, but I know there are incredibly committed and dedicated members on both sides of the aisle who see this and know this is not only a priority for Maine people but a crisis for Maine people. I urge you all to keep the pressure on. We can and will do many great things this session on the issue of energy—this bill, the Ocean Energy Task Force, our community wind initiatives, investment in alternative energy, a bond package—but the energy money we save through this bill and our future efforts is the very best investment for Maine people. Maine is among the worst states in terms of our position on keeping our people safe through cold winters. This bill puts us on a path to long-term sustainability, but I urge all of you to see this bill as a great and significant and important but first step. I thank you, Mr. Speaker, and I urge Acceptance of the Majority Ought to Pass Report.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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 rise in support of the Majority Report. Now if you read the jacket, you will see I'm on the Minority Report, so I think I should give you a brief explanation of why I changed my position. The only significant distinction between the two reports is the process for legislative oversight, and as I gave the whole matter further consideration and read the Majority Report, I came to the conclusion that in fact the Majority Report does allow the level of legislative oversight that is needed and, in some ways, is an improvement over what I suggested in the Minority Report. Therefore, with a great deal of enthusiasm, I support the Majority Report. Now I think Madam Speaker and others have done a good job explaining what's in the report and I'd just like to make a few comments.

LD 1485 provides the opportunity to begin the transformation of Maine's energy position to one of greater fossil fuel independence and economic security, and just as it has been said, we must remember that this is the beginning of a process that will take many years, where Maine strives to become the most energy efficient state in the nation, as well as the state that has maximized the utilization of our indigenous alternative renewable energy sources. We can no longer risk the unsustainable position of relying on \$147 a barrel oil. While we may be experiencing a temporary reprieve from last year's unprecedented high gas and heating oil prices, we can be certain that prices will increase again as the world economy recovers. As I know you agree Madam Speaker, maintaining the status quo is not an acceptable option. In conclusion, we need to begin and LD 1485 is an important first step in a long journey to energy independence and security. Thank you very much, Madam Speaker, and I appreciate your attention.

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

Representative **TREAT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I, too, am proud of the work of the Energy Committee and this legislation. For years, since the Energy Office was eliminated in budget cuts during the last really serious recession in the early 1990s, we have either entirely lacked a coherent energy policy and a structure for delivering energy efficiency programs, or we have tried to piece it together through disjointed committees or through agencies whose main purpose in life was not energy policy. This bill not only endorses a process for adopting a true, statewide energy policy and then following that policy, but it sets up an Efficiency Maine Trust that takes the best from our current PUC sponsored and hosted programs and learns from that experience and the experience in other states to make sure that we have a nimble, independent yet accountable entity, to make sure that we weatherize and make efficient all of the housing stock in this state, while we also plan and invest in a renewable future. This bill is the single most effective economic development tool that we have before us in this Legislature today. The workforce development provisions, the funding for subsidies and incentives to promote weatherization, green housing—all of these will jumpstart this growing green economy, not to mention the savings to businesses and homeowners who cut their fuel and electricity bills dramatically as the result of this legislation. I can but echo the clear and compelling words of our good Speaker that we must rededicate ourselves, however, as soon as we pass this bill to finding a long-term funding source.

Finally, on the study and short-term moratorium on transmission lines, I just want to state that I believe that this

provision is an essential if we are to really control our energy future, our economy, and to be able to shape the role of renewables in this state as we move forward. I urge your support of this forward-looking legislation, this thoughtful plan and appreciate the hard work of everybody who worked on this and who provided a testimony to us. It was a long process, but we learned a tremendous amount from the people who came before us and, because of that involvement, I believe we have a wonderful product before us here today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dennysville, Representative McFadden.

Representative **McFADDEN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I want to talk a little bit about the energy corridor, or the proposed energy corridor. If Maine allows Irving Oil to build its proposed dc transmission line across Maine, a broad based variety of proposed energy generation projects within Maine will be in jeopardy of being built. Irving's proposed 1,500 megawatt transmission lines, along with wind and gas fired generation that Irving will build in New Brunswick, will prevent the development of at least 1,500 megawatts of similar generation in the State of Maine. Some New England utilities and their customers do not care if they buy power generated in Maine as opposed to the Maritime Provinces. All they care about is purchasing power at the least, lowest delivered cost. Irving's line would allow it to bypass Maine entirely and would give Irving's own Canadian generation a significant advantage over any generated power in the State of Maine. Renewable energy generation in Maine would be nearly completely halted by Irving's line. New renewable projects using Maine's resources, such as wind, solar, and tidal power would effectively find a lack of a market for their power because the market would be glutted by Irving's Canadian generation. Maine based renewable projects would require transmission line upgrades to transmit their output to markets, but will have no legal right to use Irving's lines to do so, nor would there be room on Irving's line, as Irving anticipates that the lines would be fully committed to transmitting Irving's own generation. Also, the lack of ac/dc conversion stations in Maine would mean that Irving's line will function as a private highway with no on ramps and no off ramps. Dc power flows in one direction only and ac power kind of bounces off of each other so it flows from both directions. If we allow Irving to leapfrog over Maine by permitting a dc transmission line, across the state we will have allowed Canada to take advantage of the southern market which, in turn, will close a potential market for Maine projects. We currently have tidal power, wind power and LG projects in the works. What do we do? Say you might as well discontinue any projects in Maine as we will have a market, as the Canadian transmission has already flooded the southern market.

Madam Speaker, this is all about jobs. Do we want these jobs in Maine, or do we want to give them to Canada and just continue to be economically depressed and accept the double digit jobless rate in Downeast Maine as it is today? The LG project alone would produce 150 full-time jobs and it would infuse millions of dollars into the Maine economy each year. Please support the proposed moratorium, the study or the adverse effect this project would have on Maine and Maine's economy. We need to do the right thing, we need to pass this LD 1485 and have the study committee and wait and have our own energy project going forth and bring the income into Maine instead of letting it go across the border into New Brunswick. Thank you, Madam Speaker.

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

Representative **RUSSELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I want to first just echo the sentiments that other folks have said about the work that the Energy Committee has put into this bill. There were quite a few proposals on the table ranging from a wide myriad set of issues, and to pull those together and synthesize them into something that really resonates with people and really sets us up on a trajectory toward energy independence is something really remarkable, especially in such a short period of time. So I want to thank them, and I want to thank Mr. Chairman for his work and Madam Speaker, because she put a lot of work into this, as well as Representative Fletcher and all the members.

I did want to speak to a couple of things though. We talk about this from a moral imperative. We have a significant number of people who have homes that are not weatherized. We have more than 477,000 homes in Maine. Only about 5 percent, if that, have been properly weatherized, which sets us up toward a real crisis for Maine if we're not careful, and I think this bill is a very strong first step toward addressing that issue. I also think that the workforce development component of this bill is very, very strong and it allows our workforce, as a policy decision, to be able to be trained and prepared for future green jobs. But I want to talk a little bit about the importance of viewing this as an economic development tool.

Folks have consistently said that we need a sustainable funding mechanism and I want to echo that sentiment, but I see this; we're on the verge of a crisis. If we do not address our energy issues, our people are going to be literally be left out in the cold. But we don't have to use this as a crisis; we can use this as an opportunity to be able to invest in green jobs, create jobs around the state and to really boost our economy. The majority of, in fact, energy efficiency has a really remarkable return on investment for Maine because we have the oldest housing stock in the country, Madam Speaker, and because we're using oil the majority of the time, we also have the greatest capacity for return on investment. Every investment that we make in efficiency has significant returns in comparison to other states, so using this as an economic development tool allows us to create jobs and, within energy efficiency, there are more jobs created than in other parts of the energy sector and certainly in other parts of other sectors. So I see this as a strong economic development tool. We have an opportunity to create jobs, reduce our dependence on oil, reduce our energy costs, and we could help our climate as well. So I just want to thank the committee, they put so much work into this.

I do want to say, though, when it comes to the funding mechanism, on the one hand we have this great opportunity with the economic stimulus funds, and we have, I'm sorry, I'm losing my place here, but it's really hard for me to think about this. We have \$42 million over the next two years that are going to be channeled into low income. That means there is \$21.5 million a year. We have \$8.8 million that is going to be channeled toward the middle class. Only \$8.8 million is going to be focused on the middle class over the next two years and that should be a real concern for those of us in the body. There are safety nets in place and good safety nets and needed safety nets when it comes to the low income side of things, but our middle class is really suffering under the weight of the oil costs, Madam Speaker. So I would just remind people that if you really want to address this issue and you really want to create an economic development opportunity, we have to address the issue with the middle class and that is going to require sustainable funding, and it is going to require great courage on behalf of our Legislature when the times comes. So I just want to remind people that this is a huge first step and it sets us on a trajectory toward

independence, but if we do not fund a sustainable funding mechanism, not only will our low income and our elderly be in trouble, but our middle class will seriously be in trouble as well. So I want to thank the committee. This is a very good first step, I'm very proud of the work, but there's still unfinished business to do and we need to take that up as soon as possible. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Lincoln, Representative Gifford.

Representative **GIFFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to give my support to the energy project that's going forth today. I want to thank the Energy Committee and everybody that's worked very hard on this. This is a very important project to our future development of energy and all this, and I'm not going to take up any more of your time.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As the sponsor of one of the bills that went before this committee, I want to commend, first of all, the great leadership that all members of the Maine's Energy Future Special Select Committee demonstrated, in particularly the phenomenal leadership of the Representative from Eagle Lake, Representative Martin, and the Representative from Winslow, Representative Fletcher.

I also want to thank Madam Speaker, the Representative from North Haven, for her leadership on this issue. It is clearly not a partisan issue, and I think in a very real sense Mainers live not under half a million different roofs but under one roof. You know, to put it another way, I think the metaphor that Madam Speaker used with all of us in accepting the position that she now holds is very apt. Maine's energy economy is like a bucket, and it's a bucket that every year imports millions of gallons of natural gas and oil from across our borders and pumps out billions of dollars, \$6 billion all told, in our energy economy every year from this economy, from the pockets of Mainers. It's a concern that we share here, many of us, on both sides of the aisle. All we get for it is heat and much of that heat escapes from our buildings, our leaky buildings, our leaky bucket.

There are two ways that we can deal with this leaky bucket issue and one of them makes the news all the time, it's the issue renewables, the grand hope of renewables and the grand hope of offshore wind and of new transmission lines, and this is a grand hope, and it would help us to reverse, to some extent, the direction, the flow of the energy dollars into and out of that bucket that I spoke of. But renewable energy will only help to the extent that we own that resource or have a stake in that resource, a new transmission will only help to the extent that we own it or have a stake in it. The other option is efficiency, which is akin really to plugging the holes in the bucket, to fixing the bucket and making it less leaky. This bill puts us on a path to that important work. Efficiency doesn't make the news as much, but it is ten times as generative of jobs, as even renewable power. These are non-exportable jobs: blowing in insulation, sealing around chimneys, replacing windows. Mainers, only Mainers can do that work, and ten times as many Mainers will be put to work doing the efficiency jobs that are created by this bill and by future efforts that this state will make, as would be put to work in even the best renewable building projects and long-term maintenance of those renewable installations, ten times as many. It's a non-exportable resource in both senses of the word, in the jobs and in the harnessing of the energy. Efficiency is referred to as the first fuel because it is also the cheapest resource, roughly a quarter of the cost of even renewable energy, and because it's the cleanest

fuel, cleaner even than renewables. The cleanest kilowatt is the one you never use: the megawatt. This bill puts us on the path to that efficiency. It's not the final step on that path, but I promise you, Madam Speaker, that I certainly, and I know the majority of those here, will vote for this bill today, will be there making sure that we continue on this path for the sake of the businesses that will now step up and invest and grow their businesses in order to do the work that we make possible here today with our votes. Madam Speaker, I request a roll call. Thank you.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought To Pass Pursuant to Joint Order 2009, H.P. 63.**

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 Lewiston, Representative Carey.

Representative CAREY: Thank you, Madam Speaker. I'll be brief, and I want to first thank my colleagues on this committee. I've learned a lot from your leadership on both sides of the aisle and I appreciate the opportunity. We spent a lot of time in the last week talking about taxes and, as we all know, a tax is nothing more than taking of private assets by a government. It's that simple. But when Mainers turn on their furnaces, we're paying a tax. We're paying for oil that comes from other countries that is most often drilled by those governments. We're paying a foreign oil tax. Those governments are often not our allies and to make the matters worse, our foreign oil tax is 33 percent higher than the next highest state. Efficiency and weatherization are the first steps to lessening this dependence on foreign oil, but we have to go further, and once we do, these efficiencies in the homes across the State of Maine will lessen our dependence by about 30 percent, and in last year's money, that's \$400 million, \$400 million of stimulus in our Mainer's pockets and that's, Madam Speaker, why I'll be voting for this bill.

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

Representative HINCK: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm pleased to speak in support of LD 1485. Maine's energy future is a large measure of Maine's future. How we generate, transmit and use energy will determine much about the health, environment and economic future of Maine. The bill, as has been mentioned, streamlines and improves Maine's energy efficiency and weatherization programs, it achieves the green energy workforce development, supports energy efficient affordable housing, and ramps up the state's heating fuel efficiency and weatherization efforts. All of these are commendable and very well done by a committee composed of some of the best and most resourceful minds in the Legislature on these subjects. Maine's energy future will involve a major change over time. We hope one day we'll have a modern smart grid that transmits energy, and that we are always assured of reliability of generation and transmission. We'd like to see greater indigenous resource development, homegrown Maine renewable energy as part of our future. But the steps right before us, the ones that we can do at a time when resources are tight, are the ones that relate to efficiency tackled in this bill. The cost to Mainers currently, as has been mentioned, of home heating oil is one of the great burdens on our economy. If you fly into the Portland airport and look down and see the tanks, you can also see, as you cross the Veterans Bridge between Portland and South Portland, one way of looking it is crude oil that comes to North America, comes to Maine, some of it going to Canada, powers our economy. Another way of looking at it is to imagine those tanks filled with the hard earned money of Mainers leaving this

state never to come back. We can't do much about the cost of a barrel of sweet crude here in Maine. We produce none of it. As far as anyone knows in the geological field, we never will. It really isn't sweet crude when it comes here because of its cost. The real cost of heating oil to Maine is an enormous burden. Basically \$1 billion leaves this state over purchases of heating oil when the price is just \$2.26 a gallon. We may not see \$2.26 a gallon in the future, so I join those who say that it's nice that we got the start with this bill, but we've really got to do the rest of the job. I think we know, since the oil shock of the 1970s, that if we leave the situation as is, we can expect more of the same. This is one of those times and I'm not sure that it's always true that government plays a key role. It's one of those times when we really have to, if we look at the evidence of what's gone on before. We are the people who get the presentations from energy experts, we are the ones who are aware of the actual cost to the entire economy, we really need to lead and this will require that the program that we set up with this bill gets resourced over time so that we can meet the goal of weatherizing Maine homes in 20 years.

I have a couple points to make that clarify the bill in matters that are important to some of the people who are part of the energy scene here in Maine. One point is the permits in the usual course of state business, such as road or river crossing permits, are not affected by the moratorium that was put in place in this bill. This is understood by those of us in the committee. The intent of the moratorium is not to apply to collection lines, which bring power from individual wind turbines to step up transformers at the wind farm substation. These are not contemplated to be part of the 75 miles on length that is exempted in the Part F moratorium in the bill. In fact, the committee wanted to clarify that the generator lead lines are not within the scope of the moratorium. A generator lead line ends at the point of interconnection with the transmission and distribution line owned by another party. Those points relate to what was mentioned as being sometimes contentious part of the bill. I think the committee, in the end, struck the right balance in protecting Maine's interest in transmission lines and allowing us to move forward in an efficient and effective way and have that major part of the promising energy future here in Maine. I am pleased to support this bill and to encourage Ought to Pass on this important measure. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of Report "A" Ought To Pass Pursuant to Joint Order 2009, H.P. 63. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 204

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark H, Cleary, Cohen, Connor, Cornell du Houx, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Goode, Greeley, Hamper, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Rosen, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino,

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

NAY - NONE.

ABSENT - Ayotte, Burns, Celli, Clark T, Cotta, Giles, Hanley, Jones, Lewin, Peterson, Pratt, Robinson, Sykes, Welsh.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, and accordingly Report "A" Ought To Pass Pursuant to Joint Order 2009, H.P. 63 was ACCEPTED.

The Bill was READ ONCE.

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

Representative MARTIN of Eagle Lake PRESENTED House Amendment "A" (H-540), which was READ by the Clerk.

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

Representative MARTIN: Thank you, Madam Speaker. Madam Speaker, Members of the House. This, as an emergency preamble to the bill, makes a couple corrective mistakes to the drafting and what this emergency measure will do, as a result, the board will be able to be appointed immediately by the Chief Executive, the committee will be able to be appointed by the presiding officer and we can start moving as quickly as we adjourn.

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

Representative FITTS: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. The good Representative from Eagle Lake, Representative Martin, referred to all of the work that's been going on for the last month and this amendment is the product of all of that work, and I appreciate the hard work that everybody did put in. Being the one on a 16-1 report, for all intents and purposes, is a very difficult position for any legislator to be in, but I appreciate the good will, the good faith negotiations and the hard work that went into funding a middle ground. My preference would have been to have no moratorium, because I don't think that's a productive way for Maine to move forward. We, today, have an alternative that is manageable and acceptable to those who would have been negatively affected by the original language, and I certainly appreciate the hard work that everybody put into it. Thank you, Madam Speaker.

Subsequently, House Amendment "A" (H-540) was ADOPTED.

Under further suspension of the rules, the Bill was PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-540) and sent for concurrence. ORDERED SENT FORTHWITH.

ENACTORS

Acts

An Act To Stabilize Funding and Enable DirigoChoice To Reach More Uninsured

(H.P. 883) (L.D. 1264) (C. "A" H-490)

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: 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. 205

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

NAY - Austin, Beaudette, Beaulieu, Bickford, Browne W, Cebra, Chase, Cohen, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgcomb, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Greeley, Hamper, Harvell, Hayes, Johnson, Joy, Knapp, Knight, Langley, McFadden, McKane, McLeod, Millett, Nass, Nelson, Nutting, Pilon, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Rosen, Sarty, Saviello, Sirois, Strang Burgess, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Ayotte, Beck, Burns, Celli, Clark T, Cotta, Giles, Hanley, Jones, Lewin, Peterson, Pratt, Robinson, Sykes, Welsh.

Yes, 83; No, 53; Absent, 15; Excused, 0.

83 having voted in the affirmative and 53 voted in the negative, with 15 being absent, and accordingly the Bill was PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

UNFINISHED BUSINESS

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

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)

TABLED - June 3, 2009 (Till Later Today) by Representative PIEH of Bremen.

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative PIEH of Bremen, the rules were SUSPENDED for the purpose of RECONSIDERATION.

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

The same Representative PRESENTED House Amendment "A" (H-551) which was READ by the Clerk and ADOPTED.

Subsequently, the Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-440) as Amended by House Amendment "A" (H-454) thereto and House Amendment "A" (H-551) in NON-CONCURRENCE and sent for concurrence. ORDERED SENT FORTHWITH.

Representative PIOTTI of Unity assumed the Chair. The House was called to order by the Speaker Pro Tem.

ENACTORS
Acts

An Act To Modernize the Tax Laws and Provide over \$50,000,000 to Residents of the State in Tax Relief

(H.P. 750) (L.D. 1088)
(H. "A" H-537 to C. "A" H-530)

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

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newport, Representative Tardy.

Representative **TARDY**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I would like to first start by thanking you, Mr. Speaker, for your work and your passionate efforts at reducing the tax burden for the people of Maine. I would also like to extend my thanks to the entire Taxation Committee, and thank my good friend from Bath for his professionalism and his courtesy and the way he conducted the committee process and the professional debate and dialogue that occurred yesterday. I'd also like to thank my friend from Bath for not putting legal fees in furniture factories into the target, so I certainly appreciate that.

Mr. Speaker, reducing the income tax is a noble objective and, as you know, it's one that my caucus has made a focal point of our agenda since I've been here in the Legislature. I don't want to list all of my objections to LD 1088. First, we don't have the time, and second, we went through it fairly thoroughly yesterday, but I do want for the record to express some of my most basic of objections.

Mr. Speaker, yesterday you commented on the floor that this bill was good for Republicans and all Mainers, and I respectfully disagree with that statement, and it is my belief that when you raise taxes as a rationale to lower other taxes, you create necessarily winners and losers. Under this plan, more than 103,000 families in Maine will see a tax increase; 103,000 families will be losers. Republicans, Democrats, Unenrolled and Green Party families will be losers in this game. In addition to the 103,000 families that will suffer a tax increase, the sales tax expansions that are in this bill will further burden thousands of our small business owners. Now we covet small business here in Maine. We describe small business as the backbone of our economy, and my question is why aren't we listening to the backbone of our economy when we make this historic decision?

The National Federation of Independent Business, NFIB, polled its membership regarding this bill. Eight-two percent of its polled membership opposed LD 1088, and why? First, because there are losers in this game, because there are some families, over 100,000, that will have a tax increase, and also because we create additional burdens for small business men and women. We make them become tax collectors, they'll have to collect and remit taxes and that's an additional burden on another function they have to take on, and we also jeopardize those businesses that are operating right on or below the margin in one of the toughest economic times of our history. So if you have a business that is right on the brink of collapse in this economy, what is this bill going to do to it?

The small business people out there on the street oppose this bill, and I appreciate, Mr. Speaker, that you put a lot of time outside of the halls of Augusta and that you make a nice presentation that makes a lot of sense in the context of a PowerPoint. I, too, am a former member of the Taxation Committee, and I'd like to think I'm a recovering former member of the Taxation Committee. And I appreciate the objective; it is

absolutely a noble objective. But at the end of the day, I believe that this plan hurts Maine. It's tax surgery that is coming at the worst possible time. We can't even make revenue predictions under our present so-called narrow and antiquated tax collection structure, and I suggest that it will be nearly impossible to predict consumer behavior in this economy and a reaction to this bill. I believe that it will do harm, and if legislators heeded an oath like the positions, Hippocratic oath of first do no harm, I ask why would we pass a bill that would hurt 103,000 families?

If this bill is enacted, I will say right here that I hope the Chief Executive doesn't allow it to become law, but if it does, I hope the people have a say. If it does finally become law, I do want to say here clearly for the record, for all of this body and for all of Maine, I do hope it works, I do. I do think it makes revenue assumptions that are not correct. It is a very dangerous time to be doing this type of tax surgery. I think the impact of this bill and its fate and how it's going to affect our economy is at best uncertain, but at worst disastrous, and because inherent in our oath as legislators is our obligation to first do no harm, Mr. Speaker, that is why I and many members on my side of the aisle are going to have to vote no. Thank you.

Representative BERRY of Bowdoinham **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 PRO TEM: 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. 206

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

NAY - Austin, Beaulieu, Bickford, Boland, Browne W, Campbell, Cebra, Chase, Clark H, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossil, Gifford, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pendleton, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Rosen, Sarty, Saviello, Shaw, Strang Burgess, Tardy, Theriault, Thibodeau, Thomas, Tilton, Weaver, Willette.

ABSENT - Ayotte, Burns, Celli, Clark T, Cotta, Giles, Hanley, Jones, Lewin, Peterson, Pratt, Sykes, Welsh.

Yes, 84; No, 54; Absent, 13; Excused, 0.

84 having voted in the affirmative and 54 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. My first term in the House, I was the youngest sitting member at age 24. The oldest member of the House, the Representative from Kittery, Representative Wheeler, was and still is 55 years older than me. Representative Wheeler has seen a lot in his many years, including service in World War II. As we recognized earlier, tomorrow is the 65th anniversary of D-Day, a day that shall never be forgotten in the history of this nation or the entire world.

On June 6, 1944, 160,000 Allied troops landed along a 50 mile stretch of heavily fortified French coastline to fight Nazi Germany on the beaches of Normandy, France. General Dwight D. Eisenhower called the operation a crusade in which "we will accept nothing less than full victory."

More than 5,000 ships and 13,000 aircraft supported the D-Day invasion, and by days end, on June 6th, the Allies gained a foothold in Normandy. The D-Day cost was high: More than 9,000 Allied soldiers were killed or wounded, but more than 100,000 soldiers began the march across Europe to defeat Hitler.

I hope today that you, Madam Speaker, and all members of the House will join me in not only remembering D-Day but also thanking the Representative from Kittery, Representative Wheeler, for his service in that World War II, and by extension, thanking all members of the Greatest Generation for their service and for their efforts in making the world we have today possible. Thank you, Madam Speaker.

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

Representative **HINCK**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. There is another anniversary this week that deserves at least brief mention. In China, on the night of June 4th, 20 years ago this week, seven weeks of student pro-democracy demonstrations against the Communist government of China came to a violent end in Tiananmen Square. Thousands had assembled there to speak their minds openly to call for an end to oppression from the state. In the dark, early hours of June 4th, the government struck back sending tanks toward Tiananmen Square and killing hundreds of workers and students and doctors and children. Actually, the total number will never be known, it could have been thousands.

In the eerie quiet of the following day, June 5th, Stuart Franklin, a Magnum photographer, witnessed the scene of a lone man in a white shirt holding two plastic shopping bags, who stood up defiantly in front of a column of T-59 military tanks making their way to the square.

From these incidents are a number of symbolic messages. I relate it to what we do here today, and also to the observance of D-Day, in that every day we need to take the steps necessary to protect our democracy, and we should be thankful for the different circumstances in which we find ourselves through the efforts of people that have gone before us and through our own efforts. I am proud to work in this body with its traditions and feel in moments like this that it's worth reminding ourselves of the value of that. Thank you very much.

On motion of Representative MCFADDEN of Dennysville, the House adjourned at 1:37 p.m., until 9:00 a.m., Monday, June 8, 2009 in honor and lasting tribute to Gladys E. Lingley Stanhope, of Pembroke and Keith C. Damon, of Edmunds Township.