

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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ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
SECOND REGULAR SESSION
6th Legislative Day
Thursday, January 21, 2010

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

Prayer by Reverend Kitsy Winthrop, First Parish Unitarian Universalist Church, Portland.

National Anthem by Madeleine LeBlanc, Lewiston.

Pledge of Allegiance.

Doctor of the day, Judith Chamberlain, M.D., Brunswick.

The Journal of Tuesday, January 19, 2010 was read and approved.

SENATE PAPERS

Bill "An Act To Amend the Laws Governing County Jail Budgeting for York County"

(S.P. 668) (L.D. 1745)

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

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

Bill "An Act To Allow the Town of Wells and the Town of Ogunquit To Amend the Terms of Their Cost-sharing Agreement for Their Community School District and To Provide Each Town the Ability To Withdraw from the Wells-Ogunquit Community School District"

(S.P. 670) (L.D. 1747)

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

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

**Pursuant to Statute
Maine Turnpike Authority**

Report of the **Maine Turnpike Authority** pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6 asks leave to report that the accompanying Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2011"

(S.P. 669) (L.D. 1746)

Be **REFERRED** to the Committee on **TRANSPORTATION** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 260)

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

January 14, 2010

The Honorable Elizabeth H. Mitchell, President of the Senate and Members of the 124th Maine Senate

3 State House Station
Augusta, Maine 04333

The Honorable Hannah M. Pingree, Speaker of the House and Members of the 124th House of Representatives

2 State House Station
Augusta, Maine 04333

Dear President Mitchell, Speaker Pingree and Members of the 124th Legislature:

In accordance with 3 MRSA §995.4, I respectfully submit OPEGA's Annual Report on Activities and Performance for 2009. This month marks the fifth anniversary of OPEGA's service to the Legislature as a non-partisan resource meant to provide support in overseeing and improving the performance of State government. Throughout those five years, the OPEGA staff and I have remained committed to being meaningful contributors to the practice of good government in the State of Maine.

This report illustrates where we stand on the performance measures related to the short-term objectives established in our Strategic Plan which was approved by the Government Oversight Committee and implemented by the Office in 2009. In addition, it includes other information on inputs, outputs and outcomes over the past five years that are important for assessing whether OPEGA's function has been a cost-beneficial use of State resources. Appendix C also provides some information specific to the individual reports released and recommendations made by OPEGA over the past five years - including the overall status of implementation, key results stemming from actions taken and fiscal impacts associated with identified issues and recommendations.

I am proud of the OPEGA staff and the contributions the Office has made to good government over the past five years. I hope that you and Maine's citizens will view our efforts and results as a worthwhile use of taxpayer dollars as we continue to increase our value to you in the years to come.

Sincerely,
S/Beth L. Ashcroft
Director

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

The Following Communication: (H.C. 261)

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

January 21, 2010

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 Committee has voted unanimously to report the following bills out "Ought Not to Pass":

Insurance and Financial Services

L.D. 257

An Act To Establish the Health Technology Clinical Committee

L.D. 1059

Resolve, To Enhance Health Care for Direct Care Workers

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: (H.C. 262)

**STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006**

January 20, 2010

The Honorable Elizabeth H. Mitchell
Senate President

124th Maine Legislature
3 State House Station
Augusta, Maine 04333

The Honorable Hannah M. Pingree
Speaker of the House

124th Maine Legislature
2 State House Station
Augusta, Maine 04333

Re: Report of the Attorney General's Working Group on Human Trafficking

Dear President Mitchell and Speaker Pingree:

Pursuant to Chapter 684, Part F of the Public Laws of 2007, enclosed please find the Report of the Attorney General's Working Group in Human Trafficking to the Second Regular Session of the 124th Legislature. Twenty copies have been provided for use by the House and ten copies have been provided for use by the Senate.

Thank you for your consideration of these materials; please do not hesitate to call if you should have any questions in this regard.

Very truly yours,
S/Janet T. Mills

Attorney General

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

The Following Communication: (S.P. 671)

**STATE OF MAINE
124TH MAINE LEGISLATURE**

January 14, 2010

Sen. Nancy B. Sullivan

Senate Chair, Joint Standing Committee on Legal and Veterans Affairs

Rep. Pamela Jabar Trinward

House Chair, Joint Standing Committee on Legal and Veterans Affairs

124th Legislature
Augusta, ME 04333

Dear Senator Sullivan and Representative Trinward:

Please be advised that Governor John E. Baldacci has nominated Orland McPherson of Eliot, Walter Simcock of Waterville and Michael Peters of Dixfield for reappointment to the Liquor and Lottery Commission.

Pursuant to Title 5 M.R.S.A. §283-A (1), these nominations will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Sincerely,

S/Elizabeth H. Mitchell

President of the Senate

S/Hannah M. Pingree

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS.**

READ and **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Require the State To Pay the Costs of School Administration Consolidation"

(H.P. 1244) (L.D. 1750)

Sponsored by Representative CONNOR of Kennebunk.

Cosponsored by Senator HOBBS of York and Representatives: CASAVANT of Biddeford, LOVEJOY of Portland, MILLER of Somerville, VALENTINO of Saco, WEBSTER of Freeport, Senator: WESTON of Waldo.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

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

Sent for concurrence.

**Pursuant to Statute
Department of Education**

Representative SUTHERLAND for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of the Repeal of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)

(H.P. 1245) (L.D. 1751)

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

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

Sent for concurrence.

**Pursuant to Statute
Department of Education**

Representative SUTHERLAND for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of the Repeal of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education (EMERGENCY)

(H.P. 1246) (L.D. 1752)

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 34)

ORDERED, that Representative Andrea M. Boland of Sanford be excused January 7 for personal reasons and January 12 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Nancy E. Smith of Monmouth be excused January 14 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Dianne Tilton of Harrington be excused January 7 and 12 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Danny Lafayette, of Hermon, who is the recipient of a 2010 Governor's Conference on Tourism award for excellence in tourism. Mr. Lafayette was selected by his peers for his outstanding contribution to the tourism industry in the State through Lafayette Hotels. We extend our appreciation to Mr. Lafayette for his dedication to the State and congratulate him on his receiving this award;

(SLS 319)

On **OBJECTION** of Representative CUSHING of Hampden, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **CUSHING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today for the special pleasure of adding to the words of this sentiment presented by Senator Perry, who I have great respect for, but this gentleman happens to actually reside in the town of Hampden and has been a great benefactor to both the community and the state.

Mr. and Mrs. Lafayette own the Lafayette Hotel chain which has 27 properties located in Maine, New Hampshire and Michigan. Some of you may recognize in your communities the Fireside Inns, which are located in places like Auburn and Waterville and Bangor. Some of you may be familiar and have attended events at the Black Bear Conference Center. Many of you recognize that the Lafayette Hotel chain is a wonderfully run, Maine-based facility with properties up and down the coast. What you may not realize is that Danny and Carla are also good solid Maine individuals who employ many people in our communities and provide them with good opportunities either on a seasonal or a full-time basis. Through their generosity they also have donated \$2 million to Eastern Maine's Cancer Cure of Maine program and have been major benefactors and supporters in the fundraising effort for that wonderful facility. I would certainly welcome you to come up to Bangor and see the quality of care that we've been able to provide to those suffering from cancer as the result of many generous people. I wanted today to rise and commend them. They are, to me, the epitome of what makes Maine great, as local community natives who have

chosen to run businesses here and provide opportunities. Thank you for the opportunity to speak to this sentiment.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Public Law

Representative PIEH for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Adjust the Milk Handling Fee" (EMERGENCY)

(H.P. 1247) (L.D. 1753)

Reporting **Ought to Pass** pursuant to Public Law 2009, chapter 213, Part TTT, section 9.

Report was **READ** and **ACCEPTED**.

The Bill **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**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

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

(S.P. 621) (L.D. 1656) Resolve, To Transfer the Ownership of the Bath Armory to the City of Bath Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-351)**

(H.P. 1133) (L.D. 1606) Resolve, To Name a Bridge in North Berwick the North Berwick Veterans Memorial Bridge (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass**

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

CONSENT CALENDAR

Second Day

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

(H.P. 1070) (L.D. 1521) Bill "An Act To Clarify the State's Initiative Involving the Federal Post-9/11 Veterans Educational Assistance Act of 2008" (EMERGENCY) (C. "A" H-586)

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

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

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

REPORTS OF COMMITTEE

Change of Committee

Representative TRINWARD from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Amend the Rights and Liabilities of the Supervisory Physician of a Physician Assistant"

(H.P. 1112) (L.D. 1574)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-588)** on Bill "An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan"

(H.P. 484) (L.D. 701)

Signed:

Representatives:

PERRY of Calais
PETERSON of Rumford
JONES of Mount Vernon
SANBORN of Gorham
JOY of Crystal
CAMPBELL of Newfield
LEWIN of Eliot
STRANG BURGESS of Cumberland
STUCKEY of Portland
EVES of North Berwick

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

Signed:

Senators:

BRANNIGAN of Cumberland
MARRACHÉ of Kennebec
MILLS of Somerset

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "B" (H-588)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "B" (H-588)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, January 26, 2010.

At this point, a message came from the Senate borne by Senator BARTLETT of Cumberland of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 7:00 in the evening for the purpose of extending to His Excellency, Governor John E. Baldacci, an invitation to attend the Joint Convention and to make such communication as pleases him.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 7:00 in the evening and the Speaker appointed Representative PIOTTI of Unity to convey this message to the Senate.

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

SENATE PAPERS

The following Joint Order: (S.P. 672)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 26, 2010 at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

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

Subsequently, Representative PIOTTI of Unity reported that he had delivered the message with which he was charged.

At this point, the Senate came and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Elizabeth H. Mitchell in the Chair.

The Convention was called to order by the Chair.

On a motion by Senator MARRACHÉ from Kennebec, it was **ORDERED**, that a committee be appointed to wait upon First Lady Karen Baldacci and Jack Baldacci, inviting them to attend this Joint Convention now assembled in the hall of the House for the purpose of extending to Governor John E. Baldacci, an invitation to attend and make such communication as pleases him.

The **ORDER** was **READ** and **PASSED**.

The **CHAIR** appointed the following:

The Sen. from Androscoggin, Sen. Simpson
The Sen. from Aroostook, Sen. Jackson
The Sen. from York, Sen. Courtney
The Rep. from Biddeford, Rep. Beaudette
The Rep. from Sanford, Rep. Boland
The Rep. from Buckfield, Rep. Hayes
The Rep. from South Portland, Rep. Kaenrath
The Rep. from Blue Hill, Rep. Schatz
The Rep. from Presque Isle, Rep. Willette
The Rep. from Brewer, Rep. Celli
The Rep. from Easton, Rep. Clark
The Rep. from China, Rep. Cotta
The Rep. from Farmington, Rep. Harvell

Subsequently, the Senator from Androscoggin, Senator Simpson reported that the Committee had delivered the message with which they were charged and are pleased to report that the First Lady and Jack Baldacci will attend forthwith.

The Chair recognized in the House Gallery the First Lady of the State of Maine, Karen Baldacci.

On a motion by Senator BARTLETT of Cumberland, it was **ORDERED** that a committee be appointed to wait upon the Honorable John E. Baldacci, Governor of the State of Maine, and

extend to him an invitation to attend this convention and make such communication as pleases him.

The ORDER was READ and PASSED.

The Chair appointed the following:

The Sen. from Cumberland, Sen. Diamond
 The Sen. from Androscoggin, Sen. Craven
 The Sen. from Hancock, Sen. Rosen
 The Rep. from Orono, Rep. Cain
 The Rep. from Kennebunk, Rep. Connor
 The Rep. from Eagle Lake, Rep. Martin
 The Rep. from Somerville, Rep. Miller
 The Rep. from Lewiston, Rep. Rotundo
 The Rep. from Freeport, Rep. Webster
 The Rep. from Winthrop, Rep. Flood
 The Rep. from Waterford, Rep. Millett
 The Rep. from Oakland, Rep. Nutting
 The Rep. from Raymond, Rep. Robinson

Subsequently, the Senator from Cumberland, Senator Diamond reported that the Committee had delivered the message with which they were charged and are pleased to report that the Honorable John E. Baldacci, Governor of the State of Maine, will attend forthwith.

The Chair recognized in the House Gallery the Constitutional Officers of the State of Maine: Secretary of State Matthew Dunlap; Attorney General Janet T. Mills, and husband Stan Kuklinski; State Treasurer David G. Lemoine, and son Joe Lemoine. The Chair recognized in the House Gallery Justices of the Supreme Judicial Court: Associate Justice Warren M. Silver and wife Evelyn; Associate Justice Joseph M. Jabar and wife Renee. The Chair recognized in the House Gallery State Court Administrator, Ted Glessner. The Chair also recognized in the House Gallery Chief Brenda Commander, Houlton Band of Maliseet Indians and guest Norma Bisulca.

The Chair is pleased to welcome the Honorable John E. Baldacci, Governor of the State of Maine, accompanied by the Honorable Leigh I. Saufley, Chief Justice of the Maine Supreme Judicial Court.

The Chair recognized in the House Gallery the evening's Herald, LTC Diane Dunn, Commander, 286th Combat Sustainment Support Battalion, and her husband James Dunn.

The Chair welcomed the Honorable John E. Baldacci, Governor of the State of Maine, to the rostrum.

Governor Baldacci then addressed the Convention.

Governor **BALDACC**: Madam President, Madam Speaker, Madam Chief Justice, members of the Legislature, members of the Cabinet, distinguished guests and my fellow citizens: I can not remember a time that has presented Maine with such hard choices and such great opportunities. It's a bit of a contradiction – to talk about economic hardship and opportunity in the same breath. But that is the situation we face today.

In the last 12 months, State revenues have fallen by \$1.1 billion dollars. Unemployment has topped 8 percent; housing and businesses are struggling; and people are uncertain and anxious. It's a time of great turmoil. But it's also a time of incredible opportunity and revolutionary change. A time when our State is breaking with the comfortable past to blaze a new trail. We have come together to say enough, to put our foot down and to put an

end to the circumstances that have held our people and our economy hostage.

Today, we are laying the groundwork for economic revitalization and freedom from the tyranny of foreign oil. Are we there yet? No. But we are on our way. Despite the difficulties we face, the hard choices and hard work ahead, the next chapter in Maine's history will be one of resurgence, growth and opportunity.

As I report to you tonight on the State of the State, I am not sullen or deterred by the road ahead. Because I know beyond question or doubt that the people of this State – our greatest resource – can persevere and overcome any challenge. And they are looking to us, the men and women gathered here in this great hall of the people, to lead. To balance tough choices and compassion. To reach forward to welcome a bright future, but also to make sure opportunity doesn't leave anyone behind. I see a Maine that is energy secure, with highly educated and successful people, natural resources that are protected, accessible and put to work, a place where innovation and creativity prevail, and cities, towns and villages draw people from around the world to a quality of life unmatched. This is our job. We are in the midst of unprecedented times, locked in a struggle between recession and recovery. The choices we make will help to determine which way Maine goes.

About a month ago, I submitted to the Legislature my plan to close a \$438 million dollar shortfall in the State budget. It continues themes you've heard from me before: A leaner government, increased efficiencies and frugality. The causes of the shortfall are well-known. Our State and country are beset by a global recession that has destroyed jobs and wealth, and undermined consumer confidence. My plan includes tough choices and pain. There's no way around that hard truth. It will impact people and their communities and it won't be easy.

During public hearings on the budget, we heard people talk about their economic plight. Many of them told compelling, personal stories about how State government touches their lives, the good work that it does, especially in the area of human services. I am committed to maintaining life-sustaining services, but we can't avoid reductions. We must change the way we help people. And we'll continue our mission to reduce administration, so there are more dollars available for what's really important. If we can't break down the walls between State agencies to save money during this crisis, how can we tell other folks they need to go without?

My budget proposal also contains new efforts to streamline government. I've suggested improving cooperation between the State's four natural resource agencies – the folks who help us manage our forests, fish, water and wild life. They have so much in common, but are artificially broken into four pieces. We can save money and improve results by helping them to work better together.

During the last seven years, my administration has been aggressive about cutting the size of State government. We've eliminated 1,000 positions, about 8.8 percent of the State's workforce. State workers have taken shutdown days, lost pay raises and are now required to pay a portion of their health care. We've combined State agencies and departments, school administrations, and county and State corrections. And we are continuing our efforts to find efficiencies and to reshape government at all levels to be less expensive.

I am convinced that government at all levels can operate more efficiently, that administrative costs can be reduced through greater cooperation. We've seen it work with the Board of Corrections and the regional school units, saving millions of property tax dollars. Every dollar that we save from reduced

administration means more resources for direct services – those places where the money does the most good. It's hard to change structures. But we must. About 46 cents of every dollar brought into the General Fund is returned to county and municipal governments. There is no way that the State can absorb such a sharp reduction in revenues without impacting other levels of government. Through school administrative consolidation and our unified correction systems, we have reduced the load on local governments. But the times demand more.

While it's a tentative first step, I was encouraged by the election results in Brewer this fall. Voters there approved a ballot question that will begin the process of greater cooperation between their city and Bangor. Maine has almost 500 municipalities plus 16 counties. We have a local government for every 2,500 State residents. We cannot afford that redundancy and the duplication. But we have to also recognize that local governments need help.

With our unified corrections system, we have curbed State and local spending on jails and frozen property taxes needed for this area. We've been helping counties to hold increases to their lowest level in many years. The system is projected to save \$189 million dollars in property taxes over the next five years. In addition, school funding for this budget will still be \$352 million dollars more than it was when I took office seven years ago, even after the proposed reductions. And over the last five years, State aid to schools has increased faster than the cost of essential programs and services for the classrooms. For communities willing to change, they can find a way through this recession.

Now the budget is in your hands, the Legislature. Just last spring, we worked together to cut State spending by \$500 million dollars. At the time, it might have seemed impossible. But leaders in this Legislature showed courage and resolve. They put aside partisanship and they trusted one another. When the work was done, the cuts were made and we didn't raise taxes. For some, on both sides of the aisle, it was a hard vote to cast. But it was the right thing to do.

Now, we are again faced with the necessity to cut spending. And once again, I am confident that working with the Legislature we can find a bipartisan path forward. There should be no illusions. There are no easy answers. We must balance core government functions while protecting the vulnerable and safeguarding our economy. While we still have a long way to go, there are signs that things are beginning to turn around.

When I addressed this body last year, I spoke about my visit to Domtar in Washington County. The plant had just announced that it was indefinitely closing.

I'm happy to say that today, 300 workers are back on the job and the owners of the company are committed to finding a business model that will work. Maine is ready to help. We want to keep those men and women working. We shouldn't take any action that will jeopardize recovery.

I will not support a tax increase to balance this budget. Working families and businesses simply can't afford it.

I don't question the motives of those who seek a tax increase. They look around and see real problems and people struggling. Their heart tells them they have to do something. My heart tells me the same thing. But I know that the best way to help all Maine people is to promote job growth and economic recovery, to spread opportunity and give our people a chance for prosperity. We can't tax our way out of our problems, but we can grow our way out. It was President Kennedy that said it was "A rising tide lifts all boats." And that's what I've been doing; an aggressive agenda that's about creating jobs today and to continue to create jobs for years to come. And it begins with our people and our natural resources.

Right now, Maine is leading New England in wind power generation. And every day this important sector is growing, producing renewable and safe electricity. But we have only begun to tap the potential for wind. The work going on at the University by Dr. Habib Dagher, with private-sector partners and critical support from the federal government, it's positioning our State at the forefront of a new energy revolution. We have it within our power to develop new, cutting edge sources of energy that can help to forever reshape the world. From start to finish, Maine has a role to play. We can develop the technology; use composites from the University of Maine to build the turbines; and lower electricity rates. That means good jobs. It's also important for communities to see the benefits of new energy development. That's why I am supporting legislation that will make sure that wind projects produce tangible benefits to host communities. Real benefits that communities can see and feel like lower property taxes or improved public services.

There is a burning urgency to the work we are doing. We can not wait; too much is in the balance. What's remarkable is that the right and left should be united on the need to free ourselves from foreign oil and all that dependency does to our people, our economy and our world. Whether you believe in global warming or not, ending our dependency on foreign oil is a matter of national security that demands action now.

In 2008, this Legislature set a goal of producing 2 Gigawatts of wind power by 2020. With 430 Megawatts already permitted, Maine is ahead of the schedule. We are on the brink of a new day; will we allow the clock to be turned back to midnight or will we embrace the dawn? The choice is as stark as night and day.

In the coming weeks, I will submit legislation to continue our aggressive pursuit of offshore wind energy. The plan, which is the result of my Ocean Energy Task Force, will help to spark this new industry and confirm Maine's leadership role. We will set a target of producing 5 Gigawatts of electricity from offshore turbines by 2030. That sounds like a long time from now, but in the birth of a new technology it's just a blink. In just two years, there will be a prototype turbine in the water, producing electricity. And in five years, the amount of power produced will double.

Already, our efforts are being recognized. The DeepCwind Consortium at the University of Maine already includes more than 35 public and private partners. The project has earned nearly \$25 million dollars in competitive grants and is in line for additional federal support. Maine competed nationally and was one of just 12 sites in the entire country that has received this support to construct an offshore wind laboratory. There are no sure things, but the plan has tremendous potential to create thousands of jobs in Maine and attract billions of dollars worth of investment. Permitted and approved wind power development in Maine already represents more than \$1 billion dollars of capital investment in our economy.

When it comes to energy, Maine's potential is not limited to wind alone. Matt Simmons of Rockland is one of the world's leading thinkers about the oil industry and its limitations. Matt founded the Ocean Energy Institute, which is working with some of the most prominent researchers in the world to develop a new source of energy. Matt is working on an innovative approach that would utilize wind and tidal power to make ammonia, which could be handled and used much like propane. Imagine, using the power of the wind and waves to create a new energy source almost literally out of thin air. Matt's imagined it, he's working, and he's going to make it real. My administration is working with the Ocean Energy Institute, which is planning to build a pilot plant within the next two years. And Maine is right in the middle of the action.

Our future doesn't solely depend on new technologies. Maine can also look to its forests to help provide for an independent future. Just as our woodlands powered Maine's industrialization, they can contribute to new industries. Bio-fuels, like ethanol, and a new generation of boilers can turn wood into the energy and electricity we need for our factories and our homes. Whether it's our ability to produce energy ourselves from sustainable resources or our strategic location between energy-rich Canada and the needs of southern New England, Maine is in a position to benefit. I'm talking about new jobs, lower electricity rates, cleaner air and water. It goes beyond turbines on a ridge or a bio-mass boiler at a factory. Our new energy future can reach into every home, bringing benefits that are felt throughout our economy.

Maine is a national leader in weatherization and conservation efforts. We know that any serious effort to reduce our dependency on oil starts with conservation. It's where we get the biggest bang for the buck.

Two weeks ago, Maine awarded nearly \$9 million dollars in grants to companies around the State committed to reducing their energy consumption, which will leverage about \$81 million private dollars to be used to be able to not only get energy efficiency but using estimates from the Department of Energy, it means about 950 jobs. But for Tex Tech Industries in Monmouth, the grants are a little more personal. The investment will pay for improvements that will save between 45 and 50 jobs that were slated to go offshore. Now those good jobs will be saved because energy improvements will help Tex Tech hold its costs in line with its competitors in the Far East. So conservation means jobs. And for those families at Tex Tech, it's the difference between hope and despair.

Our efforts aren't limited to just businesses. We also have a new program for homeowners that can provide rebates of up to \$3,000 dollars for weatherization and heating upgrades. That's money coming right back to families who make the investment to cut their energy bills. It's available to anyone, regardless of income.

The program helps families determine how to be more energy efficient, make improvements, and results can cut energy bills by up to one half. Now government can't solve every problem, but as the grants and rebate program show, it can give businesses and families the tools to find their own answers.

For as long as I can remember, people have talked about "Two Maines." I've always rejected that notion. We are one people, united in the things that matter most. But there is truth to the idea that we live in different communities, each with its own strengths and challenges. We can't be satisfied with an economy that favors one region or one industry. We need statewide growth, building on the assets that each part of Maine has that's unique and strong. And that's the idea behind the Great Maine Forest Initiative. I believe it's key to a successful rural economy, and you can find the right balance, tourists and sportsmen, energy and industry. A group of dedicated and diverse people have been working since last summer to develop a pilot program for this initiative. Now the idea is to create large scale conservation that maintains access for traditional uses; it protects Maine's valuable forest resources from development; and provides a stable source of wood, sustainably managed, for our forest products industry in our growing energy sector. So if we make the wise choices, and keep our forests as forests, there are enough resources for everyone.

You know, in the last seven years, Maine has conserved nearly 1.3 million acres of land, including completing Governor Baxter's vision for Baxter State Park. We've done it, though, through a State trusted program, Land for Maine's Future, with

federal and private resources and, most importantly, local support. Environmentalists, private landowners, sportsmen and industry have bridged the gaps that in the past had kept them from working together. That's the model the Great Maine Forest Initiative will build upon. And in February, we will present this innovative plan to the Obama Administration, where it will be considered as a national model of how conservation can be done in a new, cooperative way. No initiative can be successful without the important ingredient of our people. So if we want our economy to grow, then our people need the tools to succeed.

On February 9th, I will be holding a Jobs Summit at the Augusta Civic Center. This is a cooperative event between the Maine Chamber of Commerce, the Department of Economic and Community Development and the Department of Labor. We'll listen to people who are growing their businesses in this tough economy and take away the lessons that they can share. We want to put people to work today. We want to make sure that Maine businesses are aware of the tax incentives and business development programs that are available. For example, Maine's Pine Tree Zone program was expanded statewide last spring. The program is an important tool for companies that create new jobs or relocate here. Now for 2009, Maine received 65 applications for the program, more than any other year since it was introduced and that's despite of the recession. Of those, 27 came from York and Cumberland counties, which were just made Pine Tree Zone eligible. These companies are creating jobs right now. And that's good news.

Also at the summit, I want to introduce my proposal to restructure the Department of Economic and Community Development. Our economic development efforts are going to be more locally and regionally based, growing it from the ground up, not from the top down. This is a new approach and we're going to build on that for success.

Over the long-term, jobs creation depends upon having a quality workforce. And that starts with a quality education.

Despite mounting financial pressures, Maine continues to demonstrate that our children are our highest priority. Education spending accounts for half of every dollar spent by State government. I want to do more, but a good education depends upon more than just money. My administration has made it a focus to reduce administrative costs for education, so resources can be directed to the classroom where they matter the most. And in those districts that have reorganized, they're seeing some real savings. We have never sacrificed quality to save money. And we won't start now. The voters this fall validated our approach to reducing unnecessary school district administration. And I won't support any changes that undermine that law. We must move forward, not back. But I also recognize administrative reform can take you only so far.

We are at a crossroads in education. We must make changes. President Obama has set aside significant incentive dollars as part of a national Race to the Top competition. Those are for states to be eligible for the increased funding; they must answer some difficult questions, beginning with accountability. Teachers and principals are responsible for their classrooms and the students in them. Student achievement must be part of how they are evaluated. Now there are many factors that contribute to student performance, some of them are outside the control of hardworking teachers. But we know that effective teachers get better results. It's time we put that common sense into policy.

Now I know this proposal will be controversial in some quarters. But no less an authority than Randi Weingarten, the president of the American Federation of Teachers, acknowledges that student performance must be part of teacher evaluations. How can we, in good faith, hand out grades to students based on

how they perform if we fail to do the same thing for the people teaching them? So recognizing good teachers is an overdue reform.

Next, we need to provide schools with the flexibility to succeed. Under my plan, schools will be encouraged to innovate. They will be able to manage their budgets on the school-level, set their own schedules, and try creative approaches to curriculum and instruction. For example, we could see schools try a year-round schedule with a science-based theme that runs through the curriculum. And we must address low-performing schools and reduce dropout rates. We can do it by empowering parents and districts, and encouraging programs like the Jobs for Maine's Graduates program that we know are effective in keeping kids in school and preparing them for a career or college. It's not enough to have good schools if too many of our kids don't go to them. We will also adopt national standards for performance. Maine already has rigorous standards, but because most states use different ones, comparisons are difficult. So by adopting core national benchmarks, we will be able to better understand the places where Maine excels and the areas where we need more work.

If you look around, the world is much different a place than when I was in school. The challenges are greater, and they require a focus on science, technology, engineering and math – or STEM for short. Schools are partnering with businesses to create STEM-related internships, to encourage students and to introduce them to the world of possibilities. Later this month, we'll hold a STEM Summit, where Maine's leading high-tech industries and thinkers will come together. Companies will locate to places like Maine because it has a highly skilled workforce.

Attention to early childhood education is also critical for laying the foundation for success in life. Even during these difficult times, we know that we have to invest in early childhood education. Last year, working with the Legislature, we created New England's first and only Educare site, a public-private partnership that will help improve early childhood education in every part of the State. Educare wouldn't have happened without the vision and determination of the First Lady. She is a dedicated educator. Thank you and I want to point out she's here with our son Jack tonight. Thank you, Karen and Jack, for being here.

Maine is blessed with active and committed people, determined to make our State better. We see it everyday in big ways and small, whether its donations to churches, relief efforts and spaghetti fundraisers, or big gifts to support our soldiers or our students. We see it from individuals like Stephen and Tabby King and the Alford Foundation, who continually contribute to worthy causes, and from groups like State workers, who contributed more than \$340,000 to their communities through our coordinated campaign.

Tonight, I'd like to also recognize Richard Collins, who is here with us. Dick and his wife, Anne, have contributed \$6 million dollars to support Bob Kennedy and the University of Maine, providing one of the largest gifts in the school's history. It's an example of how the people of Maine support their communities and partner with government on the issues that matter. Dick grew up on a Maine potato farm and, despite great successes, he never forgot about his alma mater or his State. His contribution will help thousands of students and Maine's flagship university. Dick, would you please stand and receive the greetings from the assembly.

There's a temptation to look around and see our challenges and feel like the terms of our economy are being dictated by others: Financiers. Wall Street. Oil companies. They've all certainly taken their toll. But come June, Maine voters will have a chance to take control and make a real difference in our

economy. No, I'm not talking about the 23 – or more – who are running for the office, so they can give this speech next year. Although that's important too. I'm talking about an investment package and tax cut that will appear on the ballot. Maine has an opportunity to invest in economic development and innovation, green energy, clean drinking water, higher education and the redevelopment of Brunswick Naval Air Station. About \$69 million dollars in bonds will go to voters in June. Now I understand that during a recession, voters might be reluctant to approve new borrowing. But the truth is we can't afford not to make these investments. They will put people to work, make our universities and colleges stronger, and they'll help our critical Midcoast area, especially with the air station's closing. This is an investment in our people and our future. It's strategic and timely, and we must make it.

Also on the ballot in June will be a question opposing an income tax cut. Last spring, we passed legislation that cuts income taxes in Maine. The Wall Street Journal editorial page called it the "Maine Miracle." We lowered the rate from 8.5 percent, one of the highest in the country, to 6.5 percent for people making \$250,000 or less. We did it by closing loopholes in the sales tax and by increasing the tax on meals and lodging to spread the burden onto visitors who come to Maine but don't pay taxes here. Maine Revenue Service says 90 percent of Maine families will benefit and more of our tax burden will be exported to tourists. After all, when you're planning a family vacation, you don't check to see how much the lodging tax is before you go. This is a middle-class tax break that rewards work. If you earn a paycheck, you'll be able to keep more of your own wages. And the lower income tax burden will attract new investors to Maine, where they can create needed private-sector jobs. In June, I urge you to vote NO on this misguided effort to raise the personal income tax again. Working families and small businesses deserve a tax break, and Maine needs new jobs now.

In Washington, there's a loud debate centered on health care. The policy choices are far from clear cut, but the States are struggling, and we need relief both in terms of increased financial support and better policies so that everyone has access to affordable and high quality care. It's a big issue; it touches every family and business in Maine. Reform is difficult work. We know that because Maine has been a leader, enacting the first comprehensive health reform effort in the country. While we know we need a national solution, we're going to continue on a path to increase access, quality and reduced costs. So tonight I'm announcing another part of that effort. Each one of us can help lower health care costs by taking better care of ourselves and taking responsibility. As a doctor once told me: We can't show up at the emergency room and pretend like we had nothing to do with the experience.

Tomorrow, a new resource will be available to help Mainers take control of their own health. It's not health care reform from Washington or Augusta, but better health in the hands of the individual. By logging on to "KeepMEWell.org," people can sign up and learn more about their health status and lower their risk for disease. The confidential Web site will connect people to information and resources they need to be healthier and lower their health care expenses. It will connect them to the low-cost health services and community resources that we've built up through our sustained commitment to using the tobacco settlement money for improved health and the Healthy Maine Partnerships that are located throughout the State of Maine. We need systematic improvements in health care. But we also have an obligation as individuals to take responsibility.

No matter the challenges we face as individuals or as a State, the people of Maine are always willing to help others even when

money is short at home. As we work to balance a difficult budget, to set Maine on the course for a prosperous future, I keep coming back to how lucky we really are to live in such a wonderful place.

Last week, the tiny island nation of Haiti was devastated by an earthquake. The capital was destroyed, and it's hard to imagine the scale of the destruction and the terrible loss of life. A country and its people precariously cling to life. Mainers are already answering the call. They rushed into chaos to provide aid and comfort, and to tell the stories of life and death. Our State stands ready to do its part to help Haiti, as all our citizens have.

Now soon, 324 members of Maine's Army National Guard will deploy to Afghanistan. Whether it's at home during a disaster, or overseas in the fight against Al Qaida or delivering humanitarian assistance to a battered neighbor, Maine's National Guard is ready. Every time I meet these men and women, I am overwhelmed with pride. They are among our best, and they do us proud and they keep us safe.

The Herald tonight is Lieutenant Colonel Diane Dunn. Colonel Dunn recently returned from Afghanistan, where she led a team of 81 National Guard soldiers. She is the first woman to lead a Maine National Guard battalion in either Iraq or Afghanistan. The unit performed its mission with professionalism and courage.

Colonel Dunn please stand and accept the greetings, again, from the assembly for a job well-done. Thank you.

Tonight, I make this promise to the people of Maine. We will not relent. We will drive forward regardless of the obstacles that confront us. We will sacrifice today, and we will make strategic investments for tomorrow. We face hurdles and hardships, but we're not afraid to make decisions, to break new ground and to build, to set the bar high, to challenge old and outdated limits.

We're called upon to act prudently and responsibly. But we're called upon to act. This is not an easy time. But we're not adrift. We're well grounded in the Maine values of hard work, integrity, and a spirit of determination. We're not trying to just get by, but we're making changes so that Maine can be at the forefront of recovery in a new economy. Our State is small enough where you know everyone, but it's big enough to get the right things done. We have the power, the ability, the skills, the resources and, most importantly, the people.

On January 4th, 1972, Sen. Edmund Muskie came home to Maine to announce that he would run for President. That night, he said: "There is not a single problem we do not have the resources to solve if we overcome our fears and quiet our doubts and renew our search for the common good." "Ultimately, of course, what is at stake is your future. I am not telling you that I can guarantee the best of all possible worlds. All I am asking is that we pledge a new beginning."

Tonight I say to you, the future is ours to make. God bless you. God bless Maine and God bless the United States of America. Thank you.

At the conclusion of the address, Governor John E. Baldacci withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its chamber.

(After the Joint Convention)

The House was called to order by the Speaker.

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

On motion of Representative CURTIS of Madison, the House adjourned at 7:45 p.m., until 10:00 a.m., Tuesday, January 26, 2010 pursuant to the Joint Order (S.P. 672).