

MAINE STATE LEGISLATURE

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

Volume III

Second Regular Session

March 24, 2010 - April 12, 2010

Appendix
House Legislative Sentiments
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ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
 SECOND REGULAR SESSION
 36th Legislative Day
 Wednesday, April 7, 2010

March 31, 2010

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

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

Prayer by Reverend Richard A. Bamforth, Augusta (retired).
 National Anthem by Jason Luce, Hope.
 Pledge of Allegiance.
 Doctor of the day, Judith Chamberlain, M.D., Brunswick.
 The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 301)

**STATE OF MAINE
 DEPARTMENT OF AUDIT
 66 STATE HOUSE STATION
 AUGUSTA, MAINE 04333-0066**

Letter of Transmittal

Senator Elizabeth H. Mitchell
 President of the Senate
 Representative Hannah M. Pingree
 Speaker of the House of Representatives
 The Honorable John E. Baldacci
 Governor of Maine

I am pleased to submit the Single Audit of the State of Maine for the fiscal year ended June 30, 2009. This audit was conducted in accordance with Government Auditing Standards, issued by the Comptroller General of the United States; the requirements of the Single Audit Act Amendments of 1996; and the Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. Our audit complies with 5 M.R.S.A., §243 and is a prerequisite for the receipt of \$3.1 billion in federal financial assistance during fiscal year 2009.

This document contains the following reports and schedules:

- Independent Auditor's Report
- Basic Financial Statements, Management's Discussion and Analysis, Notes to Financial Statements, and Required Supplementary Information
- Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards
- Report on Compliance with Requirements Applicable to each Major Program and Internal Control over Compliance in Accordance with OMB Circular A-133
- Schedule of Expenditures of Federal Awards
- Schedule of Findings and Questioned Costs
- Financial Statement Findings
- Indexes to Federal Program Findings
- Federal Findings, Questioned Costs and Corrective Action Plan
- Summary Schedule of Prior Audit Findings

On behalf of the Maine Department of Audit, I thank employees throughout Maine government who have assisted us during our audit. I know that we all work to improve financial reporting and accountability for our citizens and our State.

Please contact me if you have questions or comments about the 2009 Single Audit of the State of Maine.

Respectfully submitted,
 S/Neria R. Douglass, JD, CIA
 State Auditor

ORDERS

On motion of Representative ROTUNDO of Lewiston, the following Joint Resolution: (H.P. 1324) (Cosponsored by Representatives: ADAMS of Portland, AUSTIN of Gray, AYOTTE of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLANCHARD of Old Town, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BRYANT of Windham, BURNS of Whiting, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHASE of Wells, CLARK of Millinocket, CLARK of Easton, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CROCKETT of Augusta, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, DILL of Cape Elizabeth, DOSTIE of Sabattus, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, EDGEComb of Caribou, EVES of North Berwick, FINCH of Fairfield, FITTS of Pittsfield, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, FLETCHER of Winslow, FLOOD of Winthrop, FOSSEL of Alna, GIFFORD of Lincoln, GILBERT of Jay, GILES of Belfast, GOODE of Bangor, GREELEY of Levant, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, JOHNSON of Greenville, JONES of Mount Vernon, JOY of Crystal, KAENRATH of South Portland, KENT of Woolwich, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, LAJOIE of Lewiston, LANGLEY of Ellsworth, LEGG of Kennebunk, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, MARTIN of Orono, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NASS of Acton, NELSON of Falmouth, NUTTING of Oakland, O'BRIEN of Lincolnville, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PETERSON of Rumford, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, ROBINSON of Raymond, ROSEN of Bucksport, RUSSELL of Portland, SANBORN of Gorham, SARTY of Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TILTON of Harrington, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick,

Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, BRYANT of Oxford, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, DIAMOND of Cumberland, GERZOFKY of Cumberland, GOODALL of Sagadahoc, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of Kennebec, McCORMICK of Kennebec, MILLS of Somerset, President MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SIMPSON of Androscoggin, SMITH of Piscataquis, SULLIVAN of York, TRAHAN of Lincoln, WESTON of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ADOPT LEGISLATION THAT STRENGTHENS ENFORCEMENT OF DOMESTIC SOURCING LAWS AND PROHIBITS PURCHASING FROM NONDOMESTIC SWEATSHOPS

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the United States Congress as follows:

WHEREAS, small businesses in the State face unfair competition from nondomestic businesses commonly known as "sweatshops" that cut costs by unlawfully sacrificing humane working conditions and disregarding workers' human and labor rights; and

WHEREAS, more than 20,000 manufacturing workers in the State have lost their jobs since 2000 because of the uneven field of competition in the global economy; and

WHEREAS, Mainers believe that jobs should fairly compensate hard work with a livable wage, that the health and safety of working people should be protected and that all forms of unlawful workplace discrimination and abuse should not be tolerated; and

WHEREAS, local and national governments have a moral obligation to ensure that sweatshop contractors cannot underbid responsible businesses and that the sweatshop practice is not rewarded through public contracts and taxpayer dollars; and

WHEREAS, Maine is a leader in sweatshop-free government purchasing, enacting with a broad bipartisan majority and strong support from diverse constituencies in the State the first sweatshop-free purchasing law in the nation, and, in all, 9 states, 40 cities and 15 counties have committed to buying only sweatshop-free products; and

WHEREAS, the Federal Government buys more than \$4,000,000,000 of apparel every year, most of which should by law be bought from domestic manufacturers; and

WHEREAS, domestic sourcing requirements are not being implemented as intended by the United States Congress when government subcontractors obtain goods from nondomestic sources, such as when clothing purchased by advertising agencies and given away by military recruiters, when uniforms worn by private military contractors and when safety gear used in reconstruction or American Recovery and Reinvestment Act of 2009 projects are all made overseas; and

WHEREAS, federal government procurement from domestic manufacturers is vital to economic recovery, is good for businesses in the State and also strengthens national security because dependency on foreign sources for military items could lead to supply problems during wartime; and

WHEREAS, there are no procurement laws prohibiting the Federal Government from purchasing products made in nondomestic sweatshops; and

WHEREAS, requiring nondomestic suppliers to the Federal Government to maintain humane working conditions and respect workers' human and labor rights can help improve global manufacturing and reverse the course that is costing workers in the State their jobs; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress enact and the President of the United States sign legislation to strengthen enforcement of domestic sourcing laws, such as the federal Berry Amendment and Buy American Act, to require the Federal Government to give preference in procurement to domestically produced, manufactured or domestically grown products and to prohibit procurement of manufactured goods from nondomestic suppliers unless the suppliers comply with internationally recognized core labor standards; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States and to the United States Congress and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

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

On motion of Representative PERCY of Phippsburg, the following Joint Resolution: (H.P. 1325) (Cosponsored by Representatives: ADAMS of Portland, AUSTIN of Gray, AYOTTE of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLANCHARD of Old Town, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Whiting, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHASE of Wells, CLARK of Millinocket, CLARK of Easton, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CROCKETT of Augusta, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, DILL of Cape Elizabeth, DOSTIE of Sabattus, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, EDGEOMB of Caribou, EVES of North Berwick, FINCH of Fairfield, FITTS of Pittsfield, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, FLETCHER of Winslow, FLOOD of Winthrop, FOSSEL of Alna, GIFFORD of Lincoln, GILBERT of Jay, GILES of Belfast, GOODE of Bangor, GREELEY of Levant, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, JOHNSON of Greenville, JONES of Mount Vernon, JOY of Crystal, KAENRATH of South Portland, KENT of Woolwich, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, LAJOIE of Lewiston, LANGLEY of Ellsworth, LEGG of Kennebunk, LEWIN of Eliot, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, MARTIN of Orono, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McFADDEN of Dennysville, MCKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MITCHELL of the Penobscot Nation,

MORRISON of South Portland, NASS of Acton, NELSON of Falmouth, NUTTING of Oakland, O'BRIEN of Lincolnville, PENDLETON of Scarborough, PEOPLES of Westbrook, PERRY of Calais, PETERSON of Rumford, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven, PINKHAM of Lexington Township, PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, ROBINSON of Raymond, ROSEN of Bucksport, ROTUNDO of Lewiston, RUSSELL of Portland, SANBORN of Gorham, SARTY of Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TILTON of Harrington, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, BRYANT of Oxford, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, DIAMOND of Cumberland, GERZOFKY of Cumberland, GOODALL of Sagadahoc, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of Kennebec, McCORMICK of Kennebec, MILLS of Somerset, President MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, RECTOR of Knox, ROSEN of Hancock, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SIMPSON of Androscoggin, SMITH of Piscataquis, SULLIVAN of York, TRAHAN of Lincoln, WESTON of Waldo)

**JOINT RESOLUTION HONORING THOSE
MAINE FISHERMEN LOST AT SEA**

WHEREAS, every day, men and women along Maine's coast leave safe harbors to go and fish for the diverse array of species with which the Gulf of Maine has been blessed; and

WHEREAS, lobstermen, ground fishermen, shrimpers, scallopers, sea urchin harvesters and others set out each day to pursue their livelihoods in a challenging and often treacherous environment; and

WHEREAS, sadly, there are inevitably some who do not return home. Commercial fishing is one of the most dangerous occupations one can pursue, and even the most experienced fisherman can fall victim to treacherous conditions; and

WHEREAS, 46 of Maine's commercial fishermen have been tragically lost at sea since 1993, when a tradition of memorializing these individuals was begun at the Maine Fishermen's Forum to ensure that they are not forgotten; and

WHEREAS, the Maine Fishermen's Forum is a long-standing Maine institution dedicated to educating the public, fishing industry members and managers about marine resource issues and providing a neutral platform for constructive discussion and decision-making; and

WHEREAS, the loss of these brave and hard-working men reverberated through their communities and altered the lives of their family members forever. We acknowledge their passing with deep regret and express our sympathy to all who knew and loved them; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to honor the memory of the Maine men who lost their lives in pursuit of their livelihood from the sea:

Name	Home port	Date lost at sea
Carroll MacLean		March 24, 1993
Donald Costain	Newagen	August 19, 1993
Thomas Schwartz	Harpwell	August 31, 1993
Matthew Rice	Jonesport	October 16, 1993
David Maxwell	Biddeford	November 3, 1993
Ronald Haskell	Little Deer Isle	November 11, 1993
Christopher Caramihalis		January 14, 1994
Jerry Moody	Roque Island	March 7, 1995
Roy Hutchins	Petit Manan Point	September 9, 1995
David Fahey	Bailey Island	March 19, 1996
Milton Anthony	Roque Bluff	July 29, 1996
Joseph Smith		October 15, 1997
Lewis Green	Mt. Desert	February 6, 1999
James Huntley	Jonesport	August 9, 1999
Winfred Alley	Great Wass Island	August 16, 1999
Paul Wood	Jericho Bay	August 20, 1999
Allen Ayers	Mackerel Cove	October 19, 1999
Larry Rich	Raymond	January 25, 2000
Harry Ross	Raymond	January 25, 2000
Geoffrey Martin	Freeport	June 6, 2000
Sean McDougall	Freeport	June 6, 2000
David Stortz	Rockland	August 29, 2000
Carlyle Minott		October 24, 2000
Dawson Allen	Jonesport	December 14, 2000
Michael Laytart	Jonesport	December 14, 2000
Dwayne Smith	Jonesport	December 14, 2000
Edgar Mcleod	Portland	January 19, 2001
Mark Doughty	Rockland	August 5, 2001
Thomas Fronteiro	Rockland	August 5, 2001
James Sanfilippo	Rockland	August 5, 2001
Frank Parker	Bailey Island	March 23, 2003
Philbert Buteau	Bar Harbor	April 14, 2003
Roy Bickford		October 13, 2003
Gary Thorbjornson	Port Clyde	July 14, 2005
Steven Smith	Hollis	September 13, 2006
James Weaver	Port Clyde	November 26, 2006
Sean Cone	Bar Harbor	January 31, 2007
Daniel Miller	Bar Harbor	January 31, 2007
Byron Gross	Little Deer Isle	October 26, 2007
Christopher Whittaker	Matinicus Island	October 27, 2008
Loren Lank	Roque Bluffs	March 25, 2009
Logan Preston	Roque Bluffs	March 25, 2009
Joseph Jones	Lubec	October 21, 2009
Darryl Cline	Lubec	October 21, 2009
Norman Johnson	Lubec	October 21, 2009
Christopher Hanahann	Harpwell	December 31, 2009

; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Fishermen's Forum.

READ.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative PERCY: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Maine is full of natural resource-based industries, farming and fishing and forestry, and all of us work very hard to ensure the survival of

these industries in their communities as we go into the 21st century. Every time we lose a farm or a fishing boat, we have lost a small business in this state and we have lost part of the infrastructure of our natural resource-based industries. Since 1993, when the Fishermen's Forum began, every Saturday night, which is the third day of their forum, they would do a banquet. And during that banquet, they will honor a member of the Marine Patrol who has been involved with the fishing communities and then they read a list of the names of people that we have lost that year. Since 1993, 46 people have been lost. In 2000, we lost nine fishermen, and this year, we lost six fishermen, many of them from Downeast Maine. It came to our attention at the Fishermen's Forum that, once again, we have people who sacrifice so much to make sure that we have food on our table. Fish don't come from the store, they come from boats. Eggs don't come from the store, they come from chicken farms. We put forth this Joint Resolution because it's important for all of us to acknowledge the men and women who work in these very dangerous conditions. If you've read the novel *Come Spring*, you will understand the heartache and the passion with which the men and women of our state created farms. If you've read the book *The Lobster Coast*, a more recent book, you will understand the passion and dedication and sacrifice of the men and women who are farming our oceans, who are the backbone of our rural coastal communities.

The Marine Resources Committee, every year we hear about all the different discussion, whether it's about conservation or economic development, and we put forth this Joint Resolution with the hope that, in the future, it will become a tradition that every year we honor fishermen we have lost at sea. The only regret I have for this Joint Resolution, Ladies and Gentlemen, is that since the inception of the State of Maine, we have lost many, many more fishermen. In fact, we have a member in the other body, Senator Damon, who lost a member of his family at sea. But it was before the inception of the Fishermen's Forum. The Marine Patrol, they help enormously with search and rescue, as do our fire departments, as do all the people in our communities on the coast to ensure the safety and often have to go out and pick up the pieces after a tragedy. And so it is with great heart that I know all of us wish to send forth the message to our fishing communities that we hear you, we understand you and we support you. Thank you, Madam Speaker.

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

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It's with great pleasure that I'm able to be part of the support for this Resolution. It's an extremely important Resolution I think. In some of the action that we took just recently goes to that effort, as far as the State of Maine providing some land in Lubec so that a fishermen's memorial, another fishermen's memorial that is already in the works, can be placed there in memoriam, but also hopefully to be used as an educational tool. I understand how difficult it is when the fishing community, many of which I have in my area, lose someone that has worked so hard and put their lives on the line to go out in the middle of the night in stormy weather and then unfortunately doesn't come back. This is a very important Resolution, I believe, so that we will not forget and we can move ahead in a positive direction to prevent the loss of more of our fishing community. I'm very pleased to support this. Thank you, Madam Speaker.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 45)

ORDERED, that Representative Herbert Adams of Portland be excused February 17 and 18 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Stacy T. Dostie of Sabattus be excused January 21, 26 and 28 for health reasons and February 11, March 11 and 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Adam Goode of Bangor be excused April 2 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Anne M. Haskell of Portland be excused April 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne C. Perry of Calais be excused March 22 and 29 and April 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Walter A. Wheeler, Sr. of Kittery be excused April 1 and 2 for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the 50th Anniversary of the 1960-1961 season of the New England semi-professional football champions, the Portland Sea Hawks, in which the team won 18 straight games. The Portland Sea Hawks played their home games at the Portland Stadium and drew large crowds, which came to see players who had grown up in the area and had attended Portland, South Portland, Westbrook, Deering and Cheverus high schools. In 1961, the Portland Sea Hawks went on to compete in the United States semi-professional championship game against Kansas City. Maine Governor John Reed donated a significant sum of money so that the team could rent a plane to travel to the game. The Sea Hawks were narrowly defeated. In 1962 the team joined the Atlantic Coast Professional Football League and it remained an active team until 1965. Two players from the 1960-1961 team, Willie Greenlaw and Dick Daniels, were elected to the Maine Sports Hall of Fame. We join all citizens of Maine in remembering the anniversary of this great team;

(SLS 462)

On **OBJECTION** of Representative MAZUREK of Rockland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Mazurek.

Representative **MAZUREK**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just a brief word. I was asked yesterday or the day before by one of our own colleagues, Senator Jerry Davis, to say a word. Jerry actually played on the 1960-61 semi-pro team. Just a word about that era. It's not like the NFL is today, okay? Back in the late 50s and early 60s, there were only eight NFL teams. The AFL was just coming into its beginnings, it was nothing more than a glorified semi-pro league and there were different levels of semi-pro ball. What it did back in the late 50s and early 60s, these semi-pro leagues gave an opportunity to guys like Jerry Davis and other football players an opportunity, either after playing in college or high school, to continue playing. Some of the football played back in those days were some of the best football you'd find. They were well coached, they were good players. Most of

them, they all worked during the day, so they would practice at night, they'd have their games on a weekend. It was a great era because football was much more pure back in those days. Most of these guys played for \$5, \$10 a week, possibly. You played because you wanted to play. You played because you loved the game. I'd like to just say thank you to Jerry Davis for being a member of this team. Jerry and I do an awful lot of talking about football. I never had an opportunity to play against the Portland Sea Hawks, but I know Providence had a good football team, Hartford had a good football team. It was a darn good brand of football. And for those who can remember back 50 years ago, I think of what I'm saying, I hate to date myself but thank you for the opportunity.

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

Recognizing:

the Honorable Richard R. Farnsworth, of Portland, former member of the Maine House of Representatives, who is retiring after a long and accomplished career in the field of health and human services. For the past 18 years, Mr. Farnsworth has served as the Executive Director of Woodfords Family Services, a nonprofit organization that is committed to the support and inclusion of individuals with special needs and their families in Maine communities. During his time there, he transformed the agency into one of the leading agencies for children and adults with developmental disabilities. He worked to add a diverse set of programs to the services the agency offers and oversaw the agency's receiving accreditation from the Council on Accreditation. Before coming to Maine, Mr. Farnsworth served as Director of Developmental Services at COMHAR, Inc. in Philadelphia, Executive Director of Region Ten Client Management, Inc. in New Hampshire and Assistant Professor at Temple University's School of Social Administration. Mr. Farnsworth's career has spanned decades and touched thousands of lives. He has worked as a tireless advocate for some of our state's most vulnerable citizens, and his civic and volunteer activities demonstrate his commitment to improving the lives of others. We send our appreciation to Mr. Farnsworth for his dedication, compassion and leadership not only at Woodfords Family Services but throughout his entire career. His hard work has made life better for thousands of individuals with special needs. We extend our congratulations and best wishes to him on his retirement;

(HLS 1142)

Presented by Representative HASKELL of Portland.
Cosponsored by Senator BRANNIGAN of Cumberland, Senator ALFOND of Cumberland, Senator BARTLETT of Cumberland, Representative RUSSELL of Portland, Representative ADAMS of Portland, Representative HINCK of Portland, Representative HARLOW of Portland, Representative LOVEJOY of Portland, Representative STUCKEY of Portland, Representative COHEN of Portland, Representative PEOPLES of Westbrook, Representative DRISCOLL of Westbrook.

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

READ.

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

Representative **HASKELL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. You have the written Sentiment in front of you, but I wanted you to hear a little bit about the Honorable Richard Farnsworth or what we call our friend, Dick, a former member of this House. He does have a long and distinguished career in the field of mental health. He's

about to retire as executive director of Woodfords Family Services, and while most of us are up here deciding policy for these families and deciding funding and moving it around and pushing it around, it's people like Dick who are in the trenches actually delivering this service. Delivering the service whether we move in one direction or move in the other, he still manages to find a way to make sure that all the kids who come to him get the kind of service that they deserve. He has spent his whole career caring about children, supporting those moms and dads and families and putting his arm around their shoulder when they come in, and making sure that he's provided this extraordinary leadership to his staff that signifies and is the hallmark of the Woodfords Family Services, which has an extraordinary reputation, both in our community and across the state. I really wish today to send the respect of this body as well as our congratulations on his retirement and best wishes, because he's the kind of person whose hard work has made a difference in the lives of thousands and thousands of children and families in this state. Thank you, Madam Speaker.

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

Recognizing:

On motion of Representative ROTUNDO of Lewiston, the House **RECONSIDERED** its action whereby Expression of Legislative Sentiment recognizing David Jones, of Lewiston

(HLS 1143)

Was **PASSED**.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I've known David Jones for probably six years now and I want to say that the reason Lewiston stands out with storm water work and Lewiston-Auburn together stand out on their water quality, is a direct reflection of the leadership that David Jones shows in the City of Lewiston. It's real remarkable that its taken this long for him to be recognized as the leader for public works. I appreciate all he does and so does all the Lewiston Delegation. Thank you.

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

Representative **LAJOIE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. During my career in the Lewiston Fire Department as fire chief, I had an opportunity to work with David and we attended many department head meetings together, as well as worked on many water distribution concerns that we had with regards to the fire service. I'd like to commend David, and I know this for a fact, for the many hours that he put in behind the scene, and I will guarantee you we did put many hours in behind the scene, in his activities with the Public Works Department. David congratulations on your presentation as Public Works Director of the Year. You really deserve it. Thank you, Ladies and Gentlemen.

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

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as**

Amended by Committee Amendment "A" (H-830) on Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election"

(H.P. 1313) (L.D. 1826)

Signed:

Senators:

DIAMOND of Cumberland
CRAVEN of Androscoggin

Representatives:

CAIN of Orono
MARTIN of Eagle Lake
WEBSTER of Freeport
ROTUNDO of Lewiston
MILLER of Somerville
CONNOR of Kennebunk

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

Signed:

Senator:

ROSEN of Hancock

Representatives:

MILLETT of Waterford
FLOOD of Winthrop
ROBINSON of Raymond
NUTTING of Oakland

READ.

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

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Thank you, Madam Speaker. I would like to touch on five brief points in opposition to the pending motion. First of all, I want to point out to all of you and I think you all appreciate this that our Maine Constitution is very sacred in its reference to the pledging of the full faith and credit of the state toward the payback of general obligation bonds. It's intentionally rigorous, requiring not only a two-thirds vote of this body and our neighbors and the gubernatorial signature but approval by the voters, subsequently, issued by the treasurer. The reason those bonds are cherished on Wall Street and even by Maine bond buyers is that we pledge the full faith and credit of the State of Maine to honor those bonds and to pay them as the first priority of future budgets. That is I think something we ought to keep in mind as we consider what we are considering here in the pending motion.

The second thing I would like to do is to try to explain to all of you what I hope had been clear to you last June 13th, when in the early hours of the morning we approved a \$150 million package. At the time, early that morning, actually the prior day, Representative Cain and I and our Senate colleagues met behind closed doors at 8 o'clock in the morning and I know she spent until 2 am in the following morning working its way through the Revisor's Office, a \$150 million bond package. It was negotiated in good faith and I think there was cooperation along the way, and it was my understanding that it was a biennial package. We shook hands on it, we adopted it a month after we had approved a budget and it became law and, as you all know, the first phase was approved by the voters last November. The next two coming up, this following June and then in November, we have sixty-eight and three quarter million pending in June and another ten in November. Subsequent to the enactment of that bond package,

in three steps we have reduced debt service as a result of that package of 150 being substantially less than the Chief Executive had offered early in the session and for which the biennial budget was premised. Namely we took away \$15.7 million in the so-called streamlining initiative back in the late summer and acted early in the January session this year, and we defined for ourselves that structural changes meant we were taking savings that could be assured as happening during the current biennium and leading into the next biennium. We subsequently took another \$13 million in the first part of the winter from the treasurer's revised estimates and, at the very last stages of the biennial budget adoption in committee, we took another million too because of the lack of need for a tax anticipation note. In short, we took \$30 million back in debt service from the appropriated amounts for '10 and '11 because we felt our biennial package did not require that level of funding. What we would be doing in this 85 package is reversing those three conscious steps and adding back about \$25 million of brand new debt service for the upcoming biennium with a new administration coming in, on the heels of a billion dollar structural gap or cliff, and obligating the next five Legislatures, over the biennial budgets upcoming, to honor that debt payback in accordance with the terms of the Constitution. I take that very seriously and I think you need to think about that as you ponder the pending question.

The next thing I would like to talk about very briefly is the focus on jobs and the jobless. I do not in any way wish to disparage the idea that the pending package might have some job simulative effects in the short-term. I am more concerned about the overall jobless picture in Maine as of this point in time. Some of you know that I track this very closely, as I pay very clear attention to the economic and revenue forecast updates, and I looked back yesterday at the number of jobs that we have lost in less than a two-year period and this is the figure that the economists look at in terms of the relative employment health of the state economy. We have lost 42,000 jobs since October 2008. Those 42,000 households do not have a job and I'm sure that when they look at the questions that we're considering today and should they succeed and be placed on the ballot in June, they're going to ask the question "what are you doing for us?" What are you doing for us when you're asking us to pay \$85 million plus interest, which will roll up to about \$120 million over the next 10 years, at a time when they're still unable to find employment?

Finally, I'd like to comment on the agreement that I thought we had a year ago and the position that I find myself and my party in today, and that is we agreed through that negotiating marathon process, June 12 and 13, what I thought was a biennial package, and we shook hands on it and we agreed on it in the wee hours of the morning. It would seem to me that we're stepping backwards. We're not only undoing the debt service savings we've already booked, but we're mortgaging our future and asking the next five Legislatures to pay the price. I think it suggests to us, as a minority party, that we would be foolhardy, or any future minority party, to enter into serious good faith negotiations with the majority on the two-thirds package that represents a biennial or an annual bond package. It just would make no sense if we're going to deal with bonds on an annual basis on a spur of the moment basis. We have indicated, us Republicans on the Appropriations Committee and to others who would listen, a willingness to renegotiate that June and November package, remaining on the ballots upcoming, from the 150 package of a year ago. New priorities would suggest maybe we ought to take another look at some of those items, but the issue here is an additional lay on of another \$85 million, so that

the voters next June, if passed, would be asking to approve sixty-eight and three quarters plus \$85 million. A large number in anyone's imagination, think of the unemployed folks looking at us and saying what are you folks doing in Augusta? That opportunity to renegotiate within the 150, I think, remains an open option even this morning as we near adjournment. I hope you would consider that offer, that willingness, that good faith negotiating that went on last year and, subsequently, as you consider this important vote.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Edgecomb.

Representative **EDGEComb**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Madam Speaker, I rise in support of funding or bonds for our railroads in Aroostook County. They are extremely important to the economy of Aroostook County, as well as the economy of the State of Maine, and I testified before the Transportation Committee to that effect and in support of that issue. But my concern is that we're going to be voting on a package that does not go out to the voters in the same way that we're voting here. We're going to have one vote and the voters are going to have this package in transportation and infrastructure and get a vote there and be able to vote for railroads, and they'll have a vote on energy and a vote on water issues and on dental, and I believe that will happen in the fall. But Madam Speaker, when you go to McDonalds, I'm sure they want you to buy the combo and eat some French fries and you may not have wanted them when you got there, but the potato growers do appreciate that by you ordering a combo. So you're going to get something that you really did not want to begin with. And also the Agriculture Committee, the Conservation and Forestry Committee as well, if we listen to the testimony for this session and then decided, gosh, there's something good there for everyone, we'll go back to the House and we'll have one vote on all those bills, and I promise you there will be something good for you in there. So thank you, Madam Speaker. This is my testimony.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Committee Amendment "A", which is what we are discussing, and the Majority Ought to Pass as Amended Report, while it may have only been supported by a majority of the committee in its final vote, is actually the result of work and conversations with the entire committee and, beyond that, with the entire Legislature. It is truly a package and it is not driven by any single project or constituency other than the people of the State of Maine. It is driven by a desire to put people to work and back to work and to do it this year and even this summer.

I think it would be helpful to lay out briefly what's in the amendment, what it does do and what it does not do. As has been previously stated in the prior legislative session, we created and crafted, with much pain and many hours, a very thoughtful biennial bond package and we did that with the best information that we had at the time. That bond package included questions on the fall ballot related to Transportation and for June, this coming June, three questions. One that includes economic development projects like the Brunswick Naval Air Station and community development projects, and the amendment before you today does not alter that question. The other two questions on this coming June ballot, one relates to energy and the other relates to the drinking water and wastewater treatment infrastructure. The amendment before you amends those two other questions. It amends the energy question by adding \$5 million to continue our work for offshore wind development. It

also amends the water question, as I like to call it, with \$5.2 million, which will make sure we maximize our federal match dollars in the coming biennium for those projects and get the most we can out of the opportunity that presents itself right now, to address really only about \$50 million in what is more than \$1 billion worth of work out there for those types of projects.

I think, most importantly, this June's ballot will include an additional question, one that was not anticipated last year, one that was not part of last year's negotiation and that is a question related to transportation. That question totals \$69.8 million of investment, \$34.8 million of which directly is for highway reconstruction and paving, \$27 million of which is for rail. Some of this has already been mentioned, I'll mention it briefly. There's \$5 million for the Western Maine Rail, which is referred to typically as the Mountain Division Railroad; \$5 million for the rail between Lewiston-Auburn and Topsham related to passenger rail and freight, potentially in the future; and, as it's been primarily discussed for many, many weeks now across the state is the purchase of \$17 million for approximately 240 miles of railroad track in Aroostook County. That project certainly is one that has kept the bond package for the entire committee as part of our conversation. Not a single member of the Appropriations Committee took that conversation lightly and, as a result of those conversations and some discomfort with a simple straight up purchase and perhaps return lease to the current owner, the language in the bill says that that track, upon acquisition by the State of Maine, must be operated by a rail operator chosen through a competitive process in consultation with shippers and other stakeholders of the track. Because when we had our public hearing, what we heard from those shippers, what we heard from those stakeholders was that they believed that they could be a part of finding that solution and that the State of Maine would be the one to right now prevent that rail from going into abandonment and prevent the immediate loss of 960 direct jobs and up to 1,700, total, direct and indirect jobs.

The other transportation piece is a total of \$8 million that relates to our coastline, \$7 million for the Ocean Gateway deep water pier and \$1 million for challenge grants from the Small Harbor Improvement Program. The Small Harbor Improvement Program, we had some testimony on that as well. Again, it was about getting work that's shovel ready done and getting it done this summer and getting it done now.

The other addition to this bond package is an additional question in November. There's already a question related to land for Maine's future and that remains, it remains untouched. There is an additional question related to dental education. We had overwhelming support from the entire Health and Human Services Committee for expanding dental education in Maine. That question puts \$3.5 million into a competitive process to outfit a dental clinic, a dental clinic that will be used for education of dentists who, with the other part of the money, the \$1.5 million, will have rural dental clinics across the State of Maine, primarily linked with a federally qualified health centers, to make sure that those dentists who are getting their training in Maine can do it in rural parts of the state where the care is needed most.

I take very seriously the comments of the Representative from Waterford, Representative Millett. He is a colleague and he is a friend and it's hard to not agree with a lot of what he said. Our bond negotiations and our bond indebtedness is a serious matter and the full faith and credit of the State of Maine is on the line every single time we look at whether or not we want to ask the people of Maine whether or not we should be making these decisions, whether or not we should be borrowing this money to make these investments. This bond package, the \$85 million additional bond package will add approximately \$1.61 per

capita—\$1.61 for this year, \$8 in the following year and \$9 in the year after that—for \$85 million that will put people to work this summer.

Currently, Maine's tax supported debt per income is 2.2 percent and currently Maine is ranked 33rd in net tax supported debt per capita and 28th in net tax supported debt as a percentage of personal income. By in the large, the State of Maine has seen as a good deal because we are pretty conservative in how we structure our debt. It's over 10 years, it's not 20, it's not 30. We have kept to the general rule in recent years of the 5 percent or less of General Fund obligations, General Fund revenue being used for debt service, and I can tell you that just the \$85 million before you adds .07 percent to our current obligation, .07 percent to our current approximately 4 percent, which keeps us below 5 percent, at or below 5 percent of our debt. We are staying consistent with actions in the past.

I took last year's negotiations very seriously. I would submit that I think a lot has changed since then, but not in the way of the tone or the negotiation or the environment in the Appropriations Committee. I believe that this bond package emanated originally from bills submitted by members of the body and by the Chief Executive, and it's a conversation that is worth having and has been worth having. It is hard for me to somehow argue that somehow we shouldn't be having conversations when they come before us, particularly when they relate to economic development and the economic situation that none of us have been able to predict. But this package that is brought forward by a majority of the members of the Appropriations Committee, as I stated in the beginning, is driven by a desire to create jobs this year, is driven by an interest in encouraging, supporting and inspiring economic development at the community level and with the immediate jobs this year to hopefully put us in a better position in the next biennium. I hope you will consider the impact of this package and its statewide impact. I hope you will consider the fact that this bond package puts the State of Maine, in my opinion, in a better position for job growth, both in the private and public sector, and I believe is a responsible, reasonable amount of well structured and easily supported debt at this time by the State of Maine. I look forward to this debate continuing over the course of the day and thank you, Madam Speaker.

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

Representative **AYOTTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I would, first of all, like to compliment Representative Millett on a very astute and academic presentation about the pragmatic effects that the bonds do have on the people of the State of Maine. That being said, I would like to perhaps quote a great American in his second inaugural address to the people of the southern part of Maine, we are not enemies. What is good for the people of the south of Maine is good for the people of the north and vice versa.

I come from Aroostook County. I grew up in Aroostook County except for the four years, or the time I spent in college or in the United States Army. I do want to tell you that Aroostook County is vastly dependent on two major industries or products, the potato industry and the forest industry, both of which have to be shipped out of the state or in southern parts of the state or out of the State of Maine. That is why to let the railroad go or to abandon the railroad, 233 miles of it, would have a very devastating effect on the people and the industry of northern Maine. It is true. We are a very remote area. Our products have to be shipped south. Tearing up or dismantling the 233 miles of railroad would be like taking a major artery out of a body. It would take years to recover the damage. That is why I do ask

you to consider the effects when you do make a decision on this particular item, and I fully understand the other side's concerns.

I want to point out this is perhaps our last day. There are 151 Representatives in the State Legislature; nine of them come from Aroostook County. There are 35 Senators in our Legislature; two of them come from Aroostook County. That's a total of 11 representatives of 186. That's a ratio of 1:17. For every 17 representatives that southern Maine has, we have one. Therefore, and mathematically it's fine, and therefore I would like to ask you to understand that our position is sometimes beholding to the people of southern Maine. I would therefore ask that the people of southern Maine understand that we need each other. Do not the people of southern Maine eat potatoes? Do not the people of southern Maine use lumber for their homes? Do not the people of southern Maine use paper for their offices and many other products? This is why I do ask you to consider this very, very seriously and that we not be summarily dismissed as a very integral part of Maine. We do need each other.

Now in a more pragmatic sense, maintaining and continuing the railroad will take literally thousands of trucks off of your highways. It's vital to the economy of Aroostook County in jobs, not only jobs it's vital to businesses. We need southern Maine, southern Maine needs northern Maine. There are many and I won't go into all of the practical reasons why we should maintain the railroad, but can you imagine an Aroostook County, the largest county east of the Mississippi without a railroad? Ladies and Gentlemen, use some commonsense. It's a vital part of our economy.

In closing, of course, I again ask you to support this particular bond. I do fully understand the concerns of those that have interpedation about it, but please understand our position. Thank you, Madam Speaker.

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

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to speak against the proposed \$85 million bond package. Currently, there are \$150 million approved and \$70 million to go before voters in the June and November referendums. We already have significant economic stimulus for voters to consider, including \$25 million for economic development and \$33 million identified for wind and energy initiatives.

Most of you have heard me speak before and I always mention I'm a banker on these financial issues. I've been at that for 30 years and I know that my industry has had some aggressively and unfavorably lending practices which, on a national scale, have given us a black eye. But I'm a Maine community banker and the Maine community bankers have been responding to the economy and have handled themselves in a safe and sound manner. So I hope you'll listen to my comments seriously in the next couple of seconds here.

"Cash is king" – is an old banking expression that addresses the need to keep the amount that you owe and the amount that you own in balance. In our own households, we know the need to have cash to pay bills, to be ready for emergencies, to save for the future. To keep debt in check is extremely important.

On a larger scale, businesses need cash to meet payroll, pay bills, and invest in their company's growth.

On a state level, cash is needed to pay for programs, keep the state's finances in order, to meet future obligations and to maintain our bond rating.

Approving bonds for me is very similar to lending. You look at cash; you look to see that cash is king. In fact, when I served on Appropriations in the 123rd, I enjoyed the bond package review I think the most of any of the work because of my background.

As a banker, you are taught – never lend more than someone can afford to repay – it does not help them because, ultimately, if they're in over their heads, they're going to hit a financial wall.

The same is true for the bond package. The state should not borrow money unless there is sufficient projected cash to repay the bond indebtedness. Today we cannot and should not approve future bonding because of the \$1 billion structural financial deficit which the next Legislature is going to face. Again, cash is king – and if the state does not have the cash flow to repay debt; then we do a disservice to all Mainers if we support more borrowing.

I know that supporters of the bond believe that the \$85 million in bonding will stimulate the economy and create new jobs. Economically speaking that's how many view the way that we got out of the 1930s and the Great Depression was through increased government spending. However, a little history here, that period followed many years of restrained government spending. Under the Hoover years, the level of federal spending had actually shrunk. So when Roosevelt came in – and the introduction of Keynesian economics became popular – the federal government spending huge amounts of money on public works jobs and putting people to work was viewed as very positive.

Today, however, we are in very different times: nationally and in Maine, government spending is already at historical highs. Thus, while this bond package is proposed to create new jobs – if the state cannot repay the debt, then what happens in the next biennium when the state has to cut programs, reduce services, reduce payments to hospitals, reduce payments to service providers or potentially layoff state workers, ultimately you will have achieved no net increase in new jobs.

We are about 18 months through the current recession – the last major economic downturn in Maine was in the early 90s and ran about 24 months. So we could say that we've probably seen the worst and we've moved through really the worst of the downturn. And I would encourage people to think of it this way. Rather than continue to add debt at this point, its time to look forward, its time for the 124th and then for the subsequent Legislatures to focus on ways to make Maine a more competitive place for employers to work and to hire more Maine people. Job creation in the private sector is the true answer for our economy – not added debt for all of Maine people.

Madam Speaker, I encourage members of the House to vote against the pending motion, please keep cash king and to follow my light. Thank you.

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

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to oppose the present motion and I appreciate all the great testimony that I've heard up until this point from people that understand this process much better than I do. However, I do understand indebtedness. I, as a family person, I understand what it is to be in debt and having very few opportunities, I guess, in this time that we're in to eliminate that debt and that's what I find us in here in the State of Maine. I appreciate so much some of the things that are in this bond. I appreciate what the good Representative from Caswell has presented here. There's nothing more important to the Aroostook County community right now than to have that infrastructure in place. I appreciate the opportunity for offshore wind projects. That impacts my district immensely because we have such great opportunities there. And I certainly appreciate the package in here for reconstruction of highways. For the last two years, I've been whining, I guess is the best term, about a section of road, U.S. Route 1, it's one of

the worst pieces of road in the state that many, including myself, consider a public safety issue. That would be included in this package, very important to my area. However, in spite of that, I'm still ready to go on the record, I'm still ready to justify to my constituents why I think this is not the right time for us to go further into debt. I think that in this time that we're in right now, the idea of retiring approximately \$85 million in debt and then going right back into the same debt on top of what the state already owes is very irresponsible, it's poor timing, it's bad judgment for us and for the people of the State of Maine and that's the main reason that I can't support this. There are other times when I would be able to support it, but this is not the right time. I see this as our version here in the state as earmarks. This is not a good time for us to be taking earmarked funding and that's really what this is all about. As I look through this, as I said, there are some very, very good causes in here, some very important issues and they are well spread out over the state so there's a little something for everybody. How convenient. I'm starting to understand the process more and more every day that I'm here. It makes it very difficult when there's something for my area, something for my constituents that they can benefit from, yet is, in my opinion, Madam Speaker, bad for the State of Maine, bad fiscal policy. It's very difficult for me to kick against the bricks. This is very difficult, but I feel that it would be very fiscally irresponsible of me to support this.

A few years ago, I had the opportunity to apply for a grant for a program that I was running, through the congressional grant, and do that in combination with the State of Maine. And I was very shocked to see that part of that process required a financial report, a financial standing with Dun & Bradstreet and to see how poorly this state was rated as a state and its indebtedness and its ability to pay. That kind of opened my eyes up to where we're going with bonds. We're getting in over our heads. The fact that people in other states are drowning all around us and we're not drowning is not a good reason for us to jump overboard with them. This is a time to be fiscally responsible. We've got too many people in our districts that don't have jobs, can't pay the bills they have right now, and to add any more debt onto them is irresponsible. I would urge you to vote against this motion and I thank you very much, Madam Speaker.

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

Representative **CHASE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I know that Wells is south and the State of Maine is huge, but I know that the people in Wells are no different than any other people in Maine, and when I go home and I hear them say to me, how can we afford to borrow more money? How can we do that? Weren't we just in trouble here? Didn't we have hundreds of millions of dollars that we were short? How can we afford to do this? Now these are people who read what they read in the newspaper. They're not up here, they don't have the information that we have. They send us here to get the knowledge to understand better on what our state can afford and can't afford. I also suggest to you that the 42,000 people that are out of work since 2008, that our good Representative from Waterford, Representative Millett, said, those people can't afford that \$1 more a year or that \$10 more a year. Right now, they're worried about putting food on the plate. So I say to you when these people that don't have all the information we have, say to me or ask me, how can we afford to borrow more money, I say to them, we can't afford to borrow more money. I say to all of us here who have the knowledge, who know the information, that know in the next coming year we're going to have a billion dollar shortfall, that we can't afford to borrow anymore. I say to you we should not do

this. Thank you, Madam Speaker.

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

Representative **VAN WIE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the proposed measure. I rise for solid business reasons. In my two decades working in the business world, I've heard an adage much like the Representative from Belfast, Representative Crosby Giles, talked about cash is king. There's another one in business called "reinvest or die". I think this bill is about reinvesting in our basic business infrastructure. There's nothing highly speculative here. We're talking about roads, bridges, railroads, and I do support the railroads for Aroostook County because I do believe they're the lifeblood for Aroostook County, and I know many of my counterparts on this side of the aisle share that view. We're talking about sewer, water, projects that are essential to making our economy run. We're talking about preserving our ability to earn income and to generate the cash flow that's so important. And, by supporting this measure, we would be investing at a time when we would get maximum bang for the buck. Low interest rates and, more importantly, very aggressive bidding for the projects that would be constructed using this bond money.

I work in the engineering and construction industry and I know firsthand how much our industry has been decimated in this economy. Like many of you, I attended the breakfast with the engineering companies and the Associated Constructors of Maine and heard their stories, business owners, small business owners, both Republicans and Democrats, begging us, begging us to invest in these types of projects because of the economic impact on their industry. One of the owners said that two summers ago they had 66 people working through the summer, this summer they're looking at 12 or fewer. An architect/engineering firm had 14 people a couple of years ago, they're down to two. When you look up decimated in the industry that's the definition. We're talking out of every 10 jobs some of them are down to one. These companies will bid very aggressively, so we'll get a huge leverage of our impact in this funding. In our industry it's called buying the job. Basically you bid at a breakeven or loss because you need to make the payment on your truck, you need to keep your people employed, you need to be able to make payroll next week, and that's where this industry is now. I hate to take advantage of them, but this is the time when this money would get the best leverage from an economic standpoint.

Many of the companies we're talking about that this money would support are small businesses; they run their businesses like family. Many of these businesses, and I was in one of them a few years ago where we all voluntarily took a 20 to 30 percent pay cut so we wouldn't have to layoff a couple of our employees, a lot of these businesses went through that and still had to lay people off. But this is why our revenues have been so hard to project because so many of these businesses have taken significant reductions, trying very hard to not lay people off. The jobs in this bond will support not just the people running the backhoes and manning the shovels, but we're talking about a number of people who are well paid, very well paying jobs. We're talking estimators, surveyors, computer aided designers, engineers, clerk of the works, construction managers, material testers, soil scientists, project accountants, all of these people with jobs where they have a very powerful multiply effect. They'll buy vehicles, they'll remodel their kitchens, they'll use the money to fuel our economy.

I understand the concerns about our economic situation, but I believe, contrary to what I've heard some say, that Maine has

been very, very conservative in our bonding. Our debt service ratios are low. We pay our bonds off quickly, and we're still proposing to reduce the overall bond indebtedness of the state, even with this bond. So I think we're being very fiscally responsible, we're investing in our basic infrastructure, and I would urge you to support us in passing this motion. Thank you very much, Madam Speaker, Ladies and Gentlemen.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Sykes.

Representative **SYKES**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I've heard it said that passage of this bond package is absolutely critical to Maine's future. They say if we don't pass this bond package, it will be Armageddon. An asteroid will come down from above and strike us. Cracks will open up in the earth. The world will come to an end. Businesses will die, they'll be decimated. But if we don't pass this bond package, we'll wake up tomorrow morning, look up in the sky, the sun will be shining, the birds will be chirping, the wind will be blowing, the roads will still be there, many will get paved. A private coalition will be formed to save the railroad. The black flies will be out to do their thing. But most of all, my two children, my four grandchildren, your children and your grandchildren will not be saddled with another credit card debt at a time we just cannot afford it.

The SPEAKER: The Chair recognizes the Representative from Harrington, Representative Tilton.

Representative **TILTON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise to oppose the pending motion and it is not without a certain amount of sadness that I do that. As a voter, I've typically supported bond issues for the reasons that many people do. And I guess to explain my opposition, as sympathetic as I am to the projects that would be funded, I would just like to simplify my thinking, as I often do, for my own benefit as much as anybody's, by equating this to a household spending decision and, sadly, what I'm about to relate is not a rare scenario in Maine today and around the country.

First of all, we're in a situation that our income is reduced. We have less money to spend. Now we not only have to stop spending on nice teas and little extras, we have to stop spending on basics and we now don't even have the money to pay our obligations. We tried reducing spending, we've tried cutting back. It just hasn't been enough. To help solve our immediate problems, we got some money from our wealthy Uncle Sam, but, unfortunately, he borrowed that off his credit cards and he'll be coming after us later on to help pay those back. We borrowed from our retirement, we borrowed against our future earnings, we have scraped the bottom of the cookie jar, and I know as a mother and a person who is responsible for my household budget that this is not a situation in which you want to take on more debt, especially when you can't afford the payments that you have now. I know that there are parents and concerned people down maybe on the second floor that would tell people you have to know that you can pay back money when you got to borrow it, and it is clear that we are not in a position to do that. I'm sorry, I feel the need to explain when I mention the second floor, I'm talking about a group that is here to promote financial literacy, not any official who might be on the second floor. So I guess that I would just summarize and close by saying there is a popular expression that I'm aware of and I'm sure many of you have also heard that when you find yourself in a hole, the best thing to do is stop digging. Thank you, Madam Speaker.

Representative **CAIN** of Orono **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 Waterford, Representative Millett.

Representative MILLETT: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, just a few quick points that I skipped over in my haste to finish my comments earlier. On the billion dollar plus cliff, I tend to give numbers and try to spare you with details, but I just want to make sure that you know that I didn't make that number up. I worked with the Office of Fiscal and Program Review and, when we leave here, as soon as they can get their breath, they will do a structural gap picture which we'll all read about. But there are three things that make up my little preliminary list, which will only grow in my opinion, and that is that we have in the course of the last two sessions of this 124th Legislature, approved the use of \$728.4 million of one-time stimulus money. We have taken \$166.5 million from our Working Capital funds, taking it one point down to less than \$200,000. We have on three occasions in the last two and a half years been told very seriously by the Maine Public Employee Retirement System that they lost \$750 million in about a five month stretch in 2008 as the markets went south and that's why fact of timing, that issue would have come before us in this biennial budget, but it most certainly will be before us in the next biennium and it will at this point, according to their latest number, approach the \$350 million range. But if the markets continue their upward rise, perhaps might settle in at \$300 million. This is all before we talk about any of the one-time appropriations that we had to approve in this session and that will come back as baseline growth in the upcoming budget. So I just didn't want you to feel that that was a made up number and it is my concern that the next Legislature and the next Chief Executive needs to have that in mind.

The second thing is, building up on that and focusing on the good comments that I've heard from both the chair and others, that focus on some sort of a formulaic measure of what we have as a debt capacity, I'd like to turn that subject around and say for us it's a real measure of affordability. Think about this: It wasn't more than three years ago when we have a \$6.3 billion General Fund budget. Where we stand at the moment is \$5.54 billion. We've lost \$800 million in General Fund revenues in a short span of less than three years. If you were to tie your bonding capacity to a revenue figure, you would be looking at a declining capacity in anyone's stretch of the imagination. Well, let me just share with you folks from three different sources, all within the month of March. In early March, both Standard and Poor's and Moody's Investors Service, two of three recognized bond rating agencies put Maine on a negative credit watch as a result of the government facilities loan pending before them. Here's what Standard and Poor's said. "The negative outlook reflects our view of Maine's weakened financial position and diminished liquidity." That is a direct reference to our wiping out our budget stabilization fund almost to zero. Moody's came in at the same time and made a similar comment about our diminished financial capacity and I would quote again, "Maine's economic recovery is expected to lag the national pace and weak employment practices hinder Maine's revenue performance for the future".

A week later, the *New York Times* did a summary of debt, both general obligation and off general obligation, post employment retirement benefit debt, and many of you will remember the stacked bar graph that was on our desks a week and a half or two weeks ago that shows that we actually have, when you think of all debt, \$11.5 billion of debt that is backed by one form or another of moral or legal obligation. In that piece is the retirement sector and the retirement unfunded actuarial

liability has grown from \$3 billion to just under \$4 billion, just in our lifetime here, just in the last two years. Here is what the *New York Times* story of March 30th talked about. The subject is "Overloaded with Debts Unseen" and it compares the top 25 states as a share of state gross domestic product. We are number 11 in the top 25 and the bar graph will show you that it's not just the general obligation debt, it is the performance debt that is outside of the constitutional piece that we're talking about this morning.

Let me share with you some, what I hope to be, optimistic comments. There are some good signs in the economy and my view is that we may be in a position in January under a new administration to see a better looking picture, one where the glass is more half full than two-thirds empty. I hope to see that and I hope to see us have the opportunity to take advantage of an improving economy. I went to a summit of the state chamber a year ago, late January, many of you were there, and I will always remember a comment made by a respected business official who said, very tersely and very bluntly, uncertainty is the enemy of investment. Think about the uncertainty that we're facing today that we will see between now and next January, both in the attitude of the voters in June and November, as well as the struggling economy that we're in. But think about the announcement that you heard last night and this morning that IDEXX is willing to invest \$50 million in Westbrook and create 500 jobs. There's a certain amount of optimism that leads them to make that kind of commitment and I think that's the kind of optimism that we ought to try to breed with our frugality and our long-range thinking.

Lastly, to the points of my respected colleague from Caswell, none of us want to see that Aroostook line abandoned. But think about this: Plan A, which is the Majority Report and the pending motion, would have the voters, on June 8th, decide whether or not to approve the state purchasing, for all intents and purposes, 233 miles of rail. Less than a week later, the toll on the abandonment action tolls, the clock tolls. There is no Plan B. There is no Plan B before us. If the voters say no, and they very well could, that same calamity that we've been hearing about will be a real calamity. I would suggest to you that there are opportunities available to us in the next 48 hours, if we so choose, to avoid that calamity and deal with the issue of continuing to keep that rail open and helping that operator, the shippers continue to move their goods and service along that rail without having to go to the voters and saddle ourselves with future debt. I do not want to disparage the project and I will not. I just think that we're looking only at one approach and that approach is one of the glass as being very close to empty, and we're being asked to be the deep pockets for a rail that according to the DOT officials and the operator have said to us in caucus that, even if the debt were totally removed, the operation would be marginally profitable. Think about that. Do we want to send that kind of signal that Maine is a buyer of debt in order to keep businesses that are struggling marginally profitable? I think not. I think that's the short-term approach, but I do not discount the importance of us being a part to a solution rather than letting that solution perhaps fall around our shoulders if the vote on this \$17 million question goes south. Thank you.

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'm a member of the Transportation Committee and I resent it when people say north/south. I've never heard anybody in the Portland Delegation say I'm voting against this because it's for the north. I think it's good for the whole State of Maine. We all represent the

whole State of Maine, not just the north and the south, and it's going to create a lot of jobs. It's also, the trains going to go down to Searsport and be able to use that harbor. And Millinocket will get some usage too because they're going to be able to transfer, get paper going and its going to create more jobs than people said. How many people bought a house with cash when they were young? We all had to borrow. It's an investment and that's what the trains are. They're going to be an investment. Thank you very much, 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. I set out and I'm not going to, you'll all be pleased, I set out to sing to you, but I don't have the beautiful voice that Representative Cain does. But I was going to dig down into the deep recesses of my memory and pull out a Tennessee Ernie Ford tune, "Sixteen Tons". Maybe some of you are old enough to remember that. *Another day older and deeper in debt, Saint Peter don't you call me 'cause I can't go, I owe my soul to the company store.* A wise old man who I loved dearly once said to me and I must tell you this wise old man was my grandfather and, as I stand here today, I still consider him very wise but not old because he died five years younger than I currently am, so it was all a matter of perspective. But I spent. What this wise old man said to me is to live with moderation, plan ahead, don't indebt yourself to things that you ought not to, save for the things you want to have for toys, for example. Today, unfortunately, I see a lot of change in our cultural attitudes. We borrow to take a vacation. We borrow to have a fancy toy.

Back 40 plus years ago when I was in banking, like my good friend behind me, we had a lot of standards that we applied to situations presented to us. These may seem strange to somebody, but I'm going to mention just a couple. If you're going to own a home, invest in a home, you first had to save and somehow come up with a 20 percent down. I know that sounds outrageous today. Twenty percent down. Today we finance 105, 110, 115 percent of our homes, and look and see what that has brought us. In the last few years, the market has crashed in the housing industry and we are paying the price across this great nation of ours. Everybody wants a McMansion, everybody wants to buy that new Cadillac, but we need to live within our means. I look down through the projects that are on this bond and they're excellent, each and every one of them can be well defended as things that we ought to do, but it's a matter of timing. I go back and I'm going to repeat some of what my good friend, Representative Millett, said, we've got this huge amount of indebtedness and we've got this cliff sitting out there in front of us. We've got to do this in a prudent, cautious way, like the wise old man who spoke to me. I think the one thing that no one, I don't want to repeat what's already been said, but we referred to the power. I don't believe; I know we've all seen it and I'm going to just take a couple of minutes and remind us. I'm going to read it. Moral Obligation Bonds, \$4.2 billion; Unfunded Actuarial Liability of the State Retirement \$3.995 billion; Unfunded Actuarial Liability of the State Retiree Health Care, \$2.214 billion; General Obligations Bonds, \$506.69 million; TransCap Bonds, \$183 million; Maine Government Facilities Authority, \$174.9 million; Authorized but Unused GO Bonds, \$140 million; GARVEE bonds, \$75 million plus; Capital Leases, \$35 million; Bond Anticipation Notes, \$14 million, and finally, Tax-Supported Certificates of Participation, \$11.5 million, totaling, as we all know, something in excess of \$11.5 billion. I heard these comments from behind me and I think they bear repeating. Just

because our ratios look pretty good compared to some of our neighbors and some of the other states across this nation, the fact that many others, including this nation of ours, is drowning in debt doesn't mean we should jump in the water ourselves and drown.

I want to repeat something else that Representative Millett stated because it's very, very important, I believe, and that is our rating from these services. I spent many, many years investing funds for others. It was very important to us as we looked at the various debt instruments and equity instruments that were before us, exactly what the rating was. That article which Representative Millett referred to actually dropped a rating on our Maine Governmental Facilities Authority lease to AA-. Maine's state rating is still AA, but that negative credit watch bothers me. How many more pieces of straw do we put on the camels back before we get a downgrade? We must, I believe, live within our means. I never think, I guess I should mention while I have the floor, is the leveraging. That's always attractive. It's attractive to me, I'm sure it's attractive to all of you. We put up a million dollars, the Federal Government puts up a couple million dollars. In one case, I think there's a 5 to 1 match. That's outstanding, that's excellent. I remind you all that ultimately the taxpayers, both federally and the state, will pay that debt. But the analogy I'd like to make, maybe it's not a good one but I'll make it anyway, you need a new shirt and you walk into the department store and there on the counter, if you buy two, you get a third one free. Well, you needed one or you thought you needed one, but that emphasis of it's free is enticing to a lot of people, and I think we've all been guilty of perhaps reaching across and purchasing something that we didn't need, buying that extra because it appeared free. Well, we all know there's no free lunch. Ultimately, we have to pay back and, in this case, we're asked to be paying back another \$85 million. A concern to those who are leaning towards favoring this issue, it seems to me, ought to be that if we add another \$85 million out there for the taxpayers to consider, it may jeopardize good projects that we have already passed on looking for their approval. At some point we need to make the right decision in this body and lead as we have been taught to lead. I encourage you all and I have never asked anyone to do this, but please follow my light and vote red. Thank you.

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

Representative **GILES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It seems maybe not without coincidence and very appropriate that we are debating this on the day that we have the Financial Literacy Day of Maine going on in our Hall of Flags. I happened to have picked up a brochure this morning on borrowing, I just want to read one sentence to the body. It says if you're spending less each month then you take home and the additional debt load will not cut into the amount you've committed to savings, only then should you consider taking on additional debt. In a state of about 1.3 million people that has debt of \$11.5 billion, I would think very seriously about this before we vote. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I'd like to offer some comments in reaction to the floor debate today. First and foremost, let me talk about the job factor. As I stated earlier, this jobs—you could call it a jobs package, that was kind of a blunder, but it's a good blunder because this bond package will put people to work and put them back to work this year. During public hearings on this budget, we heard from employer after employer

who has had to lay off up to 80 percent of their workforce, putting more Maine people on the rolls of the unemployed that was earlier discussed. Using the Associated General Constructors metric of 24 jobs created per \$1 million of construction investment, that means even with a conservative estimate of what constitutes the constructions pending in this particular bond package, that's more than 2,750 jobs right off the bat and, on top of that, the 1,700 jobs that will be saved directly or indirectly by support for the rail in Aroostook County alone. Seventeen hundred jobs related to the Aroostook County rail is a lot of jobs and those numbers don't include the jobs estimates that are out there for jobs that will be created by our thoughtful investments in energy efficiency and offshore wind technology, on jobs that we'll create by putting dental access in rural Maine, and they don't include the jobs that will be supported or sustained by this, many people going back to work across our state, families with food on their table; local sandwich shops, convenience stores that will be supported by these jobs.

Let me talk to you also about affordability. I completely and one hundred percent share the Representative from Waterford, Representative Millett's concerns about our unfunded actuarial liability. I share the concerns about the cliff next year that will be caused by the ending of the American Recovery and Reinvestment Act support that our state has so wisely used this year. I also take very seriously what's been stated and what has been reported by those all powerful rating agencies and, with that, I'd like to share with you additional language from the same reports that were quoted earlier. The Standard and Poor's opinion in March of 2010, and I quote, "in our opinion, the AA rating of Maine reflects Maine's unemployment rates which are better than national levels, despite recent employment declines, adequate to good income levels and favorable debt position with a low debt burden and rapid amortization of debt outstanding." The Moody's opinion, as of January 2010, lists among the long-term credit strengths of the State of Maine below average debt ratios per capita in personal income and rapid tenure retirement of principle, that's General Obligation Bonds, provide flexibility to shift from pay-go to debt capital financing. I also want to clarify that Moody's did not put us on any negative watch lists, they did not actually change our bond rating. What they did was they said we have a problem because our Budget Stabilization Fund, which we choose as a Legislature to use, had been depleted and we have not been replenishing that.

There is a concern about cash flow and I am very proud that we worked together in this building and in Room 228 to put money back in the Budget Stabilization Fund, and even when, even should, even if this bond package goes forward and we obligate \$2.1 million this year to support this \$85 million additional bond package, we're still going to be putting more than \$12 million into the Budget Stabilization Fund overall this year. Contrast us, compare us with other states that think of that as an impossibility, but it's because we are financially sound, it's because we are doing the right thing and moving in the right direction that we have recognized that that is a must do for now.

Finally, I agree that uncertainty is the enemy of investment. It is, it absolutely is. And this government and this bond package, by extension of this bond package, can be a part of creating that stability and predictability. That's why we structure these packages in ways that are forward-looking and they focus on jobs and they focus on economic development. Passage of this bond is a part of stabilizing our economy and providing the certainty needed so that the construction companies in Maine can buy equipment, so that they can tell their laid off employees that now it's time to come back to work, should the people of Maine decide to pass this package. Madam Speaker, we are not borrowing to

go on vacation, we are not borrowing to buy a Cadillac or a fancy car, and we are certainly not drowning in anything, at this point, except for lack of jobs and a thoughtful investment in our future to spur economic development and put people back to work. That is why I am in support of this bond package, why I believe it is the right thing for right now. And this bond package, I believe, offers us that opportunity and I ask for your support. Thank you, Madam Speaker.

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

ROLL CALL NO. 365

YEA - Adams, Ayotte, Beaudoin, Beck, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Gilbert, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

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

ABSENT - Beaudette, Blanchard, Greeley, Rosen.

Yes, 94; No, 53; Absent, 4; Excused, 0.

94 having voted in the affirmative and 53 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-830) 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.**

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

Representative **TARDY**: Thank you, Madam Speaker. May I pose a question through the Chair to the members of the Appropriations Committee?

The SPEAKER: The Representative may pose his question.

Representative **TARDY**: Madam Speaker, with respect to Part H of Committee Amendment "A", Section H.1 transfers from Short-term Emergency Contingency Account a sum of \$2,128,500. My question is does the fact that we make that appropriation in this Committee Amendment and looking back to the Supplemental Budget that we just passed in the last week, which requires moneys in that Contingency Account be transferred if they still exist after April 30, does this require an emergency preamble on this bill?

The SPEAKER: The Representative from Newport, Representative Tardy has posed a question through the Chair to any member of the Appropriations Committee who may care to respond. The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. To answer that question, I actually posed the same question yesterday to many legal minds that are much brighter than my legislative mind and the answer is no it does not for the following reasons. Number one, the Contingency Account that we created in the Supplement Budget was specifically created with the language that says commit, whether or not the Legislature commits the funds. By enacting this language in Part H, we are committing those funds, which means they will remain in the Contingency Account until which time the voters do or do not support the bond. Otherwise, if the voters do not, then on June 30th, they would then be transferred back into the Budget Stabilization Fund if the people of Maine choose to not support the bond.

I also would point out that there was a total of \$6.1, approximately, million in that Contingency Account so that would still leave nearly \$4 million to move into the Budget Stabilization Fund even with this amendment. So hopefully that clears up the question. The Emergency Enactor is, again, not needed because it's about committing the money, not necessary spending the money and that language was intentionally written in that way. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just an update and I did not have time to pose this issue to my good House chair, but I talked with the Office of Fiscal and Program Review within the last five minutes and their view is that a technical amendment would be necessary. It isn't the amount of money that we're withdrawing, it's amending a statute which is current law and which has a ripening date of April 30th, and in order to make that transfer, it would require, in his opinion, a technical amendment. So I'd ask my leader to make this point now so that if we do need a technical amendment, we won't have to come back and reconsider because I know I wouldn't be able to reconsider and I would want that technical amendment prepared now if needed.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Cain.

Representative **CAIN**: Thank you, Madam Speaker. I appreciate the information from the good Representative from Waterford, Representative Millett, and it's news to me. I actually asked the question yesterday and received a different answer from the Revisor of Statutes, as well as from the Clerk of the House, as well as from the Attorney General. Perhaps the fiscal information is new. I'm very happy to consider that technical amendment. I actually have a technical amendment held just in case something like this were to arise that is of this technical nature, and I commit to all of you that I'll do that homework between now and the time that this bill comes back before the body and we'll have a more complete answer and understanding of that issue at that time. Thank you, Madam Speaker.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-830)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-761)** - Minority (1) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, To Transfer the Ownership of the Fort Kent Armory from the Military Bureau to the University of Maine at Fort Kent

(H.P. 1253) (L.D. 1759)

TABLED - March 23, 2010 (Till Later Today) by Representative TRINWARD of Waterville.

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

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-761)** was **READ** by the Clerk.

Subsequently, **Committee Amendment "A" (H-761)** was **INDEFINITELY POSTPONED**.

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

Representative TRINWARD of Waterville **PRESENTED House Amendment "A" (H-831)**, which was **READ** by the Clerk.

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. I would just like to briefly speak to the motion in front of us. This will replace the bill. The Fort Kent Armory will be sold to the University of Maine for \$150,000. The money will be paid in increments throughout the next five years. That money will be going into the DAFS account, where it will be paying off the money that was spent on the roof and then freeing up that money to go into the Armory Account, which is under DAFS, and it is the legislative intent that this money, \$50,000 a year, will be going towards the Armory Account. Thank you.

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. I believe its \$30,000 per year that's in this resolve, not \$50,000. I also want to make it clear that, for the record, that the money that should the University of Maine at Fort Kent decide to spend on this building, that money would go to DAFS to pay for the debt that exists today and that would free up cash flow that currently is allocated within DAFS to pay that debt, so that the money that's freed up would then be deposited in the Capital Account that the National Guard has. I want that clear on the record because it's not clear within this resolve that that's exactly what happens. So thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-831)** was **ADOPTED**.

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-831)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

REPORTS OF COMMITTEE Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-512)** on Bill "An Act To Allow

Law Enforcement and Family Members To Petition the District Court To Initiate Assisted Outpatient Treatment"

(S.P. 495) (L.D. 1360)

Signed:

Senators:

MARRACHÉ of Kennebec
MILLS of Somerset

Representatives:

PERRY of Calais
SANBORN of Gorham
JOY of Crystal
CAMPBELL of Newfield
LEWIN of Eliot
STRANG BURGESS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-513)** on same Bill.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

PETERSON of Rumford
JONES of Mount Vernon
STUCKEY of Portland
EVES of North Berwick

Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-512)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-512) AS AMENDED BY SENATE AMENDMENTS "A" (S-517) AND "B" (S-520)** thereto. **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 "A" (S-512)** was **READ** by the Clerk.

Senate Amendment "A" (S-517) to **Committee Amendment "A" (S-512)** was **READ** and **ADOPTED.**

Senate Amendment "B" (S-520) to **Committee Amendment "A" (S-512)** was **READ** and **ADOPTED.**

Committee Amendment "A" (S-512) as Amended by Senate Amendments "A" (S-517) and "B" (S-520) thereto **ADOPTED.**

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

The **SPEAKER:** The Chair recognizes the Representative from North Berwick, Representative Eves.

Representative **EVES:** Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, thank you. I apologize for pushing my button a little bit prematurely. I think this is a very important issue that we've been working on in the last couple of sessions. We carried over this bill from last session to this session. It's been worked. The committee's been in and out, there's been multiple amendments and I think it's really important that we know what the majority says and what we are voting on because this is no small thing. We're talking about a big leap in public policy here and I think it's really important that

people tune in briefly to really hear the bullets of what this Majority Report does to the current statute.

This has been a very tough and emotional issue. Whenever we talk about mental illness, I think one thing that's been highlighted for me throughout this process is that, during the public testimony, we heard from families with family members with severe mental illness. Throughout talking to folks in the chamber and outside, we are all affected in some way or another by mental illness. So this is something that does touch everybody's life and it is a very hard and emotional issue. It was difficult back, I believe it was in the 122nd Legislature, when the original bill that initiated the first progressive treatment program, which we refer to as the PTP, and we're going to try not to speak in acronyms because I know that that frustrates people and it frustrated me when I don't know what other people are talking about. So the Progressive Treatment Program was established in the 122nd Legislature and basically it was the first involuntary hospital-based psychiatric program. And what we are asking in the current Majority Report is to expand that involuntary treatment option to community-based outpatient providers, specifically to the ACT team, ACT, or Assertive Community Treatment. Under the current law, as I mentioned, the only time that we can mandate or ask for involuntary treatment is through the hospital-based process. And that's the major difference in the Majority Report and what's in the current statute.

My reservation on the Majority Report is based in part in not having all of the information that was requested in the original bill. Back in the original bill when we initiated the first progressive treatment program, we asked for it, well I wasn't here but the committee that reviewed this asked for a report back, and it was really important that we got this report back because this is a sensitive issue and we want to make sure that we have all the information as we move forward. That's why a sunset date was put on it as well. We have not seen that report and I think that's really important. That's my reservation and hesitation. We don't have the information from what is currently going on in the hospital for the involuntary treatment program. I would be much happier if we had that data so that we could base our decision on that. If we want to expand the program, if we want to contract it, we need that information to make further recommendations. So my understanding is we're going to have that next January, unfortunately it can't be sooner, but my thoughts are let's wait until we have all the information from the report back and base our decision on that data. Now because this is a leap, I believe a leap in public policy and what's at stake is people's civil liberties, I think we should take this slow, I don't think we should be in haste to do this. I think one thing that's been frustrating and to demonstrate a little bit in our caucus yesterday is the level of detail that's in this bill and the number of changes that have been made to it, through the committee process and after the committee process, with a fiscal note, without a fiscal note, it's just a very confusing bill that needs to be slowed down. And I think the risk here is voting on something we're not sure of. If you're not sure of it, I would say don't support the Majority Report.

There are three points I would like to make. It reduces the number of independent, in the amended bill, in the Majority Report, it reduces the number of independent examiners from four to three which removes a layer of protection and due process at various levels in that process. The second thing is it allows the court to continue an inpatient commitment hearing for up to 21 days, an increase of 10 days. This essentially means an individual could be held without their consent for up to 38 to 40 days before a testimonial hearing. The third thing is involuntary commitment creates a conflict between an individual's right to

liberty and the government's power to protect people. I think with the information that I have, this is a problem, this is an issue, and I think that we need to take it slow. I know a lot of work has been done on this bill, but I think it's not ready for us right now with the information from the report back. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I cannot tell you how to vote on LD 1360. I believe there is no completely good answer here and, as with most issues in medicine, the best answer lies in prevention, early diagnosis and early treatment. Recently I sat on a panel from the Daniel Hanley Health Policy Leadership Program and the facilitator asked us a question. The question was what issues in the Legislature keep you awake at night? For me, this is one of those issues that keeps me awake at night. It's been a heart wrenching decision and it has, at times, brought me to tears. On one side of the argument we have a civil liberties issue, an issue that addresses a person's right to choose or refuse treatment for severe and recurring mental illness, which is clearly to be respected. On the other side of the argument, we are talking about adding an option, a court ordered outpatient treatment in a progressive treatment program to persons who have repeatedly been so ill that they have had psychotic breaks, making them a danger to themselves or to others.

No one can predict if or when it is these persons might finally commit suicide or a heinous crime. What we do know is that in this state of mind they lack the insight to make a rational decision about whether to accept treatment or not voluntarily. One gentleman who spoke before our committee pleading for passage of this bill has a mentally ill son. This son murdered his mother after repeatedly being in on and off treatment over the years. The family knew of the potential for this act but could not intervene to help. The Senator and sponsor of this bill has a son who suffers from severe mental illness. When his son is at home, he and his wife have triple locks on their bedroom door if their son is not on his treatment program, knowing that they could be unsafe but not wanting to put their son out on the street.

My vote in committee was Ought to Pass because as a parent, as a mother of three sons and as a family doctor, I felt I had to vote to give families a chance to help their loved ones. Putting myself in the shoes of families in need of help, it is painful to have nothing to offer. This bill offers an option and I truly believe it's a good option. However, I respect and hold in utmost esteem, on my committee, those who work in the mental health field, our senatorial chair and the good Representative Eves, who voted against this bill and have good arguments supporting their votes. Most of these arguments, however, I have found fall by the wayside when closely looking at the details of this bill. This bill allows for the outpatient process only if there is capacity in the committee to care for the patient. I do not consider this progressive treatment plan experimental. Forty-three different states have passed similar laws and have proven to be helpful. It has decreased the number of persons hospitalized, homeless or in jail. I do not believe that a huge number of ill persons would be treated against their wishes. It is estimated that this bill would affect approximately 20 to 25 persons a year. The Maine Psychiatric Association, who support this bill, believe it unlikely the process will be used abusively or frivolously. The only one who has authority to commit persons to this outpatient treatment program is a judge and due process is occurring here. Multiple examinations by mental health providers will still be done to determine the need. All ACT teams are continuously discharging and taking on new patients. If an ACT team is available to someone considered appropriate for this program, we can use it

and perhaps prevent that person from the downward spiral in his or her condition leading to a regrettable event, and it has the potential to save money by avoiding hospitalization or jail. I can't tell you how to vote, but I can and do make this plea. Let's not automatically vote against raising revenues needed to provide a necessary safety net. In the future, we need to fully fund not continue to cut funding to the Peer program, a program that has proven to catch mental illness in early adolescents and allow early and therefore more successful treatment. Help us stop cuts to mental illness, substance abuse, and help us fund early childhood education and parenting supports. Not funding these programs is where the real insanity lies. And let's stop calling medications poisons. Indeed medications are a double edged sword that can be healing or even lifesaving or can cause devastating side effects. They must be used wisely and with other forms of therapy rather than in isolation, but inflammatory language is not helpful to anyone. I also believe we should stop using terms like entitlement, as if it were a dirty word. We should all be entitled to go through life in a sane and somewhat peaceful state of mind. This bill has been revised and amended over and over to try to do the most good and the least harm. It is an honest attempt to help a devastating problem. Thank you.

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

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill was vetted over a two year period and for a very good reason. This was taking a problem that the only choice for the person who is in severe trouble being blue papered or involuntarily committed was to put them into a hospital. That's the only choice and looking at families who are dealing with this and also the people who are in trouble, the least restrictive environment is the less traumatic. Working with and thinking about what we as a state do, what the safety of the public and the people who are having the severe mental illness for the safety, the least restrictive environment that we can possibly do would be better for all. As a result of that I have chosen to vote on the Majority Report. The report we're waiting for is for the Progressive Treatment Program. We have had a report on the ACT or the Assertive Community Programs, which are working well, and certainly we want to maintain. I firmly believe the direction this gives. It allows a further option to the judge for something other than hospitalization and for the person who is required to have this treatment. So I ask you really to consider the Majority Report.

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. My good colleague from North Berwick, in his speech, used the words "slow down" twice. He said we've got to look at this thing a little better than what we're looking at it. Well, I've been looking at it for eight years. He's been looking at it for two years. If you look at the Majority Report, the two Senators, one's a doctor, one's a lawyer, one's a nurse practitioner, one's a retired doctor. I've met the father that came home to find his wife murdered by his son. I've talked to him a number and number of times. I don't know if the good Representative from North Berwick has talked to him at all. I've worked with the Representative from Calais in Health and Human Services as I have with you, and worked with her for about six out of the eight years. I don't think we should wait and slow down any longer like they've been talking about in Washington with the health care. I think the time for this bill is now, not later. So I would ask all my colleagues to stand up. And the sponsor of the bill told me just this morning about when

his son took a baseball bat to him. If those people don't know what is right and what is wrong nobody does. So I hope everybody in this chamber will listen and follow my light. Thank you very much.

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

Representative **STRANG BURGESS**: Thank you, Madam Speaker. Madam Speaker, Fellow Members of the House. I'm also a member of the Health and Human Services Committee and I stand in support of our committee chair, Representative Perry, and the majority of those on the Health and Human Services Committee. We heard this bill, actually we heard it last session, it was carried over, we had a number of work sessions on it. I would say this bill is probably one of the bills that was worked, thought about, agonized about to make sure that we tried to help all sides of the situation. It's a very emotional issue and it's probably more sort of a philosophical divide more than anything else, although it certainly should be noted that on the Majority Report we do have our nurse practitioner and two physicians and a lot of other length of experience.

You have a plethora of paper that's been given to you in the last ten minutes. I would encourage you to take a good look through all of it. There's a lot of information to absorb. The Maine Association of Psychiatric Physicians has been mentioned before as a supporter. You also have an editorial that's on orange paper that was from the *Bangor Daily News*. This bill has been, as I said, worked really hard and it's so important that we help families who have loved ones that have mental illnesses. I guess I would ask you all, I mean have you all been in a situation where perhaps you were put on antibiotics and you know how the doctor always tells you, now take your antibiotic for seven days or fourteen days, even if you're feeling better. You know, I bet a lot of us, you feel better after that first four or five days on your antibiotics. You go, there, I'm all better and you stop taking your antibiotic and maybe your lung infection comes back or something like that. It's human nature. Once we feel better, we think we've got it. This is to help all these families who have loved ones who felt better and stopped taking some medication, and it really is making a huge, huge difference.

Maine is currently only one of seven states in the United States that does not have a law like this on the books. So I really would encourage you to support the pending motion to a Passage to be Engrossed, support the majority of the Health and Human Services Committee who have really spent major amounts of time and the number of folks who have spoken today. Thank you, Ladies and Gentlemen. I appreciate your listening and support.

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

Representative **DOSTIE**: Thank you, Madam Speaker. I stand today in support of the Majority Report of LD 1360. Ninety percent of the severely mentally ill receive voluntarily counseling and stay compliant. Five percent receive intensive counseling and/or a voluntary ACT team and stay compliant. If neither of these options work then current law would abandon that person. In many cases that person may end up in jail or in the mental health hospital. LD 1360 would ensure that that person stays on a treatment plan and that they stay in the community and out of jail or the mental health hospital. As Representative Sanborn stated, 43 states currently have laws on involuntary treatment. New Jersey was the last to enact a law. In New York State, since their involuntary treatment law has been in effect, there has been an 87 percent reduction in incarceration for recipients, an 83 percent reduction in arrests for recipients, a 77 percent reduction of psychiatric hospitalization, and 74 percent reduction in

homelessness for recipients. Please follow my light and vote for the Majority Report. Thank you.

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

Representative **JONES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I stand in opposition to the pending motion. I think this is probably the most important bill that I will vote on in this session. I've been here three years. I have grave concerns about the issue of due process for the constituents that we are talking about. I am very sympathetic to the families who have members who are involved in this issue, whose safety they are concerned about. I have one of those families and have been dealing with this health issue for years. So many times I've wanted to get control of our family member and make sure that they took their medication, and we've had to struggle with this issue. At the same time, an individual's rights are incredibly important. We heard testimony from the mental health consumers to our committee who begged us not to take their rights away from them. What they shared was sometimes when we take medication, it doesn't work right for us. There are terrible side effects and we feel terrible. We want to have the option to be able to choose to do that or not.

I was very concerned about the process. I am not in agreement with that this has been well vetted. Over this current session, there have been a lot of new issues brought into this. I don't feel that the mental health community was involved in that. I felt there were just a few people who were writing the language and then passing it by our committee and the advocates for the mentally ill. Even today there are more amendments coming forward because the advocates are finding there's major holes in this. I have to think back into the earlier times around dealing with patients with mental health issues. There was a time when a husband could commit his wife to the mental health hospital because he didn't like her behavior. Since then, we have come a long way to protect people against those kinds of decisions. There are those of you who would say, oh this language covers all of that, there is a lot of protection. I disagree. Even up until today, we have found huge holes that would be an infraction on an individual's rights. I'm concerned about the money issues around this. I'm concerned that we had to cut the ACT teams' budgets this year, that next year looks very ominous. In order to make this proposal work, we need to have the resources available out in the community.

I have been contacted by a number of professionals in the psychiatric field who are asking me to do everything I can to protect their clients' rights in this. Again, I want to underline, as was said earlier, that there is a report to come out to us at the end of this year which will give us more information about how well the existing ACT teams are doing. We have many people on the waiting list. I'm concerned about going forward with this proposal and they will be knocked off from the list because we don't have enough of these services available to them. I strongly encourage you to step up on this very important bill and protect the rights of the mentally ill. I am voting red on this. There is another amendment coming that just extends the timeframe for our ACT teams, which we need to do. So I'm voting red on this and green on Amendment "B". Thank you, Madam Speaker.

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

Representative **HASKELL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This is not an easy issue to be opposed to. The committee certainly has worked diligently and I've been struggling with the direction to move in. However, even in reading some of the paper that's come across our desks today, I'm faced with kind of information

on one side that says there aren't going to be all that many of them and so our ACT teams will be able to manage it quite smoothly. However, on the other side, the infringement on people's civil rights, in my opinion, is articulated when they talk about the fact that these changes will now speed up the process and cut down expense. I think people's civil rights is not the place to speed up the process and cut down the expense. I think that's where we need to take a more measured view. I'm very concerned about the changes in the number of examinations that people will have the face that there's the potential, in my mind, for judges when they come to look at these situations, as horrendous as they can be for families, there are times when these are one-time situations. A judge may say, well I really don't want to permanently change the freedoms that these people are going to enjoy by signing this paper, but I feel that they need to be committed to the hospital. With this additional option, I have concerns that we're going to expand the number of people for whom some permanent freedoms will be lost if they are committed to treatment in the community. Treatment in the community would be the best way to go, but I don't believe that this bill moves us in the right direction and I think we ought to be very careful when we're talking about speeding up the process of providing civil rights to our most vulnerable citizens. 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 rise with a great deal of concern about the pending decision and after a lot of reading of this amendment and I would really encourage everyone to take the time to read what's before us, if they haven't already, I have a lot of concerns about it. My concerns really come to this: I'm not sure and I know this is coming from a very sympathetic place and it's intended to do good, it's intended to find and provide treatment for people who do not have it now or are not willing to get that treatment. But when I read this, I see many things in here that we have not discussed and that are not in any of the handouts that have been provided to us to explain what this actually does. So I will say that some of my comments may not be correct. They're my reading of how this all hangs together. I've been somewhat concerned that the explanations that we've had have missed out on talking about a number of these things. My concern is that when you put the totality of the changes to this current law that we have together, we end up with a very different standard and a very different process for involuntary commitment than we have today. It's not clear to me that all of these changes only apply to people for which we are forcing them to do outpatient treatment. I'm not clear that that is the case. In fact, I believe that we have changed a number of things here which makes it far easier, and not only that, but make the decision about involuntary commitment to be based on much less specific and personally observed information. And I just want to point to a few places.

This is an amendment that is 15 pages long in very small print, I'm glad I got new glasses recently so I don't have to take off my glasses to try to read it, but I see a number of things. The first thing I see is there are a lot of new definitions. Now I don't know where these definitions came from, but they are new definitions at what constitutes a type of mental illness sufficient to require involuntary actions. There are, throughout this amendment there's a new definition that's on page 2, paragraph d. There's new language on page 3 talking about mentally ill person that adds in as an "or" that there is a substantial risk of suicide. That is combined with various places where the examination that is done does not actually have to be done in person. So someone is deciding whether there is this risk of

suicide because that's part of the definition of mentally ill and all of these other definitions that we've come up with. But instead of having it based on a personal examination, it's based on the history and the information from other sources considered reliable. Now I know there are amendments on the bill that we're looking at right now and at least one of those amendments is intended to correct a part of this bill that actually allows hearsay. So I think that there are people that think that because that amendment is on, that the problem of hearsay no longer exists. But if you turn to page 5 of the bill, section 14, there's two paragraphs with new language, and again, here you have the medical practitioner who is supposed to be certifying as to the mental health of the individual at question and it doesn't have to be based on a personal examination of that person, as I read this. It could be based on history and information from other sources considered reliable by the examiner. What does that mean? And that language is throughout this in numerous areas. If you look, you'll see that confirmed on page 7, where one of the cross outs is and this is the application to the court, one of the cross outs, section 20, paragraph c, subsection 1 is that the physician or psychologist has examined the patient. Then you follow further and you go to the examination and what the language used to say was that one of the people. Now so far what has come up in the discussion is that we are changing from I guess its three to two, the number of examiners, we're reducing by one. But what was not discussed was what we took out was that the examination must be, at least one of the examiners must be either a licensed physician or licensed clinic psychologist. I wonder why. It just seems that all of these aspects taken together may work in ways that the proponents of this may not realize. And I know you worked hard on this bill, but it just seems to me and I say this in part because many of the explanations have had, people have come back later and said, well actually, in fact, it does do it a little bit that way and it's different.

Again, this, or upon the recent examination of the history and information, you see it again on page 11 of this. I actually looked, that section seems to be particularly poorly drafted. It's on the top of page 11 and I think it's internally inconsistent and you can read it for yourself, but it talks about, the first sentence there says the certificate must indicate that the examiner's opinions are based on one or more recent examinations of the patient or the examiner's recent personal treatment of the patient. So that sounds like they have to have examined the patient. But then the next sentence says opinions of the examiners may be based on personal observation or on history and information from other sources considered reliable. What are those other sources? How are those two sentences supposed to work together? I don't think they do. Apparently, I mean one of the underlying problems that we have right now, some of it vests in the individual who is mentally ill and I will say for my colleague from Newfield, Representative Campbell, I don't know if he's still here. I did chair the Health and Human Services Committee for two years, I served on it for four. These bills came before us then. I chaired the Judiciary Committee, so I have some background in that. And I have family members with mental illness, so I take this very, very seriously. But we are in a situation where we have cut mental health services and they were already stressed. I really see our mental health system being part, and the need to improve it, being part of the problem here. This legislation has been written in such a way that judges making a decision about whether to commit someone for these services can make those decisions based on their assessment of whether their services are available, and it's not an assessment about whether they're available statewide, it's an assessment about whether they're available at the time and place that the judge is. I'm very

concerned that this could lead to basically different standards for commitment in different parts of the state. I just think that we need to think about that. I really feel we should have consistent standards that are consistently applied across the state and I just don't see this doing that. I just don't understand, I guess, how someone can be involuntarily forced to do outpatient treatment. That actually hasn't been satisfactorily explained to me. My understanding is that right now there is a lot of big waiting lines already for many of the services that these folks need, and there's the potential to displace people who have signed up who may be waiting on those lists for months or years, saying that they want those services. And we know that someone who wants those services will be much more likely to benefit from these services because they're voluntarily trying to take advantage of them. I'm concerned that those people will just be displaced, and so I think that there may be larger ramifications from this on the whole mental health system. So I don't think that it's inappropriate to say let's slow down, let's get the reports back. The involuntary commitment system that we have right now has only been in place for a couple of years and I don't think that it's inappropriate. In fact, I think it's very responsible to see whether or not that system is working the way it should and get those reports back before we expand this program substantially and in ways that I think, at least I know, I don't fully understand. So I would encourage you to vote against Passage to be Engrossed. Thank you.

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

Representative **LEWIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill has been before us for a couple of years in the committee and we've worked very hard on it. In very simple language and very briefly, this bill is about a very small number of people, a very small number of people, and most of those people have very lengthy histories of mental illness. It isn't like they're going to be going before the judge or another doctor for a hearing. They've been there. Most of them have been there and been there more than once. This is about people who refuse treatment and this is about families who live that life every single day fearful for their life and limb and for the family that live in the house with all of these people. They're fearful for their neighbors. Frankly, I think that this bill is a very excellent thing and I think it's time that the rights of these families, who love these people and are trying desperately to do what is in their very best interest, are given the opportunity to do that. It's time to give the judges another choice that will ultimately be far less costly to this system and to these families and to these clients.

I have to tell you the proponents live this life every single day. Most of us in this chamber have no idea how difficult their lives are. Most of us have picked up a paper on any given day and read about a story similar to Joe Bruce's story. He came home and found his wife murdered by their son. The wife and he had pleaded with the department to put the young son back into mental care after he was released from a mental hospital and the department didn't think he had a problem. Three months after release, the mother is dead and the father came home to find it. This is a dad who goes over to Riverview several times a week to visit with that young man who's only 28 years old, who will be there until he dies because the judge has sent him there since he was not responsible. I think we need to think about that and I think we need to remember this is not an army, a cadre of people. This is a small number of very severely disabled people and all this bill does is give a judge an opportunity to deal with someone who is refusing their meds, who very well may take someone else's life or their own. And when it comes to civil

rights, I'm all for it. I think everybody should be protected. But quite frankly, if you have a mental health diagnosis that is that severe I hardly think you are the best judge of what is in your best interest long-term. The physicians have generally dealt well with a lot of these people. It is time to give the opportunity to these families to do what's best for them.

Frankly, I would like to thank Senator Nutting for the crusade that he's been on to save his son and for doing everything that he does every single day of the week to help those other families that suffer as his does. I would certainly like to publicly thank Joe Bruce for every effort that he has made on behalf of other families who suffer the same thing that they do every day of the week. And I certainly would like to thank Senator Mills for having rewritten this and done a really terrific job of it. I am absolutely convinced this is the right and just and proper thing to do and it is, by golly, the time we did it, and I hope that you will support this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in support of the pending motion and I'd like to just address a few points that have been raised. First, we're talking about this progressive treatment program, which was, as we all know, put into statute and its set to expire in July of this year, and so both reports continue this program. The difference between the two reports is the Majority Report makes it an option for a judge to order this type of treatment without having a previous psychiatric hospital admission. So right now, the only way to get to this level of service is if you've had a previous involuntarily psychiatric admission, and so the Majority Report enables a judge to order the patient to comply with their treatment program without the previous admission.

Just a couple of other points. A concern was raised by my good friend, Representative Treat, about new definitions and I would just like to note that both the Majority and the Minority Report enact identical definitions. So the entire committee is in agreement with the new definitions.

Secondly, I'd like to just address the due process piece because I'm a civil rights lawyer and I sit on the Judiciary Committee. There's been some talk about lack of due process, taking away people's rights and hearsay, and I've studied the bill carefully and I've had conversations with both proponents and opponents of the bill and I believe this bill, in the Majority Report, strikes an appropriate balance in that the patient is entitled to all the trappings that people in society would expect of due process. They are entitled to a court appointed lawyer and we in the Judiciary Committee and all of you supported recently the Indigent Legal Defense Commission. So this person will have a court appointed lawyer. The person has a right to an independent medical examination. The person has a right to be present at the hearing and to cross-examine witnesses. There is a hearing before a judge. The rules of evidence apply; therefore, arguments about hearsay will be made in the ordinary course. And the standard of proof is clear and convincing evidence. I mean there's significant legal protections around this process that are afforded to these people and they have the right to appeal. So in closing, I would just urge you to respect the majority of the committee and support the Majority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in support of the pending motion. I look on this bill as a combination of prevention and mental health healing. I think that when you have the option

to not have to go into the hospital in order to be into the program, it's a wonderful gift to a person who's struggling. I have a constituent who has a daughter. He now lives in my district fulltime, has been a friend for a long time, and she's on her meds and she lives at home and she's doing really well. But they are next door neighbors to another person who decided, he said, you know, I don't want to take my meds and it's my right, I don't have to take my meds, who are you to tell me to take my meds? He went over to Wayne and he killed his ex-girlfriend. He came home and killed his dad. He was not even allowed a criminally insane defense, so he is now incarcerated and we can think about all the things we don't want to talk about, about a previous bill about solitary confinement. What do you think those twelve folks that are now in different levels of confinement for having murdered people to whom they had intimacy? Not one of those people would say, gee, I wish you had not intervened, I'm glad you didn't intervene, I'm glad I was allowed to stop taking my meds because, in my judgment, which was impaired, I decided I could be healthy without the help of the medication. Every one of those people would ask us to pass this bill and help them not do what they have to live with for the rest of their lives in sorrow, pain and guilt. So I do rise in very strong support of the Majority Report and if any of you happen to have not made up your mind, I hope I made an influence. Thank you.

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

Representative **ROTUNDO**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise to speak against LD 1360 as amended and I do so with the greatest respect for all of my colleagues on Health and Human Services Committee. I would like to share with you a little history with regard to this bill. The bill was started as a pilot project at two state hospitals in 2005. Two years ago, the Legislature amended the statute to allow the two hospitals to try commitment to outpatient services and to sunset the law in July of this year. The plan was to evaluate this outpatient program at that point to see how well it was working. I oppose the Majority Report because the program has not yet been evaluated; we don't know how well this progressive treatment program is working. We have had the chance to evaluate the initiative that was started two years ago. It makes sense to me to wait until the pilot project has been initiated so we can make an informed decision on the effectiveness of this approach to treatment before expanding the program. Particularly given the controversy that surrounded this legislation, it makes sense to let the 125th Legislature take the issue up next year when they have the benefit of an evaluation of the effectiveness of these assisted outpatient mental health treatment programs for persons who have been ordered by a court to receive mental health treatment outside of a psychiatric hospital.

I would also like to add that protection is currently built in now for the safety of families and that involuntary commitment to hospitals is now in statute, so there is now protection built in for families who have suffered in the ways in which we've heard discussed today. What we're talking about is a substantial expansion to that program and that's what has not yet been evaluated, and I would argue that we need to wait to find out through an evaluation, whether or not the program is working before we expand it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Hanley.

Representative **HANLEY**: Thank you, Madam Speaker. This is a well intended bill, but I truly think that what it's doing is fast tracking the rights in due process of some of the mentally ill. I'm not the least bit comfortable with the entire bill, but I'm really

uncomfortable with the Majority Report.

I talked to an old-timer over the weekend and he reminded me that it wasn't that many years ago here in Maine where, if you could get a local police officer, an elected town official and a doctor to testify or sign a statement that a person was mentally ill or incompetent, off they went to the old AMHI. A lot of wives wound up there for 30 days or longer. A lot of people within families who were causing a disturbance wound up there. I don't think this bill is going to push us back there, but it certainly is a step in the wrong direction and I would ask you to respect the mentally ill and respect their rights and to vote against this Majority Report. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **NELSON**: Thank you, Madam Speaker. Can somebody tell me how the enforcement would work for somebody committed to a community-based program? I understand that if somebody is committed to a hospital, they are in a facility where they can be monitored. I don't know how it works for a community-based program and what the consequences are if somebody does not follow that court ordered program.

The SPEAKER: The Representative from Falmouth, Representative Nelson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you. That was a piece of the discussion. Again, starting with the least restrictive, the issue is if this doesn't work then the next step is hospitalization.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CAREY**: As a brief background, I'm really struggling with this bill. I'm struggling to understand what it does and with the human lives that this will affect regardless of our actions. My question is, as I understand the bill, it does two things. It allows civil commitments to occur in outpatient settings and it also changes the standard by which the judge makes the decision to make a civil commitment. I understand, based on the testimony to this point, why the policies being suggested to allow a judge to make a civil commitment in an outpatient setting. I don't understand why the standard is being lowered at the same time and that's my question to the Chair.

The SPEAKER: The Representative from Lewiston, Representative Carey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you, Madam Speaker. I think this might be a language issue. What the Majority Report enables a judge to do is to issue a court order that the patient comply with the treatment plan, and so it's not a civil commitment. A commitment would be a loss of liberty and a psychiatric admission. So what the Majority Report does is enable the court to issue an order using the standards set forth in the bill to mandate that the person comply with a treatment plan and the consequence is, if they don't, whatever the judge decides, most likely a psychiatric admission or some other consequence. So it's not really a commitment. It's not a civil commitment; it's not a loss of liberty. It's an order to comply with your treatment plan.

With respect to the standards being changed, I guess I don't

agree that the standards have changed. There is still a burden of proof that has to be met in order for this order to be issued and, like I said, all the trappings of a legal process associated therewith. There's not a lessening of the standard. The person still has to demonstrate that they are suffering some severe mental illness, that they're an imminent threat to themselves and others, and so on and so forth. Thank you. I hope that's helpful.

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'd just like to suggest that this is not again just average mental illness. This is severe mental illness to the point that the patient is not even aware of their condition, often times. I think of a friend of mine who is a Catholic nun who has struggled with this condition for a long time, wasn't aware of it and ran up credit card debt and tried to commit suicide and drove the wrong way on the Turnpike, and never admitted that she had a problem or had anything wrong. It took a real long time before there was a possibility of turning her around and, of course, now she's very grateful and contributes a lot to education today. I have other friends who have a grown son who has issues that he is not always aware of. Sometimes he is and sometimes he isn't, and they have had him as a regular course sleep with them at their bed so they are sure that he is safe and not doing other things. This is not any sort of average kind of mental illness. I'd also just like to point out that we could sort of go by the numbers and look again at the fact that 43 other states have enacted this legislation and that in the other body, it received a vote in favor of 30-5 and I'm sure they had extensive discussion there. Thank you.

The SPEAKER: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise with concern about the pending motion. I was a member of the Health and Human Services Committee that originally put this bill in place, this law in place a couple of years ago. We worked long and hard with the sponsor of the bill then, who is the sponsor of the bill now, and what's clear about the situation now is that this bill relies heavily on a very rigorous, competent ACT team system, Assertive Community Treatment system. Those systems have to have a wide range of professionals. They have to be available 24-7. They have a wide range of services they have to provide. That is the very same system that we all have been hitting with cuts over time. Every time we hit the Medicaid system with cuts, ACT teams receive some cuts. When we try and remove people off of Medicaid who are totally funded by state funds, that hits the ACT teams very heavily. We restore some of those funds but, nevertheless over time, that system has eroded and now we are applying a new bill, a new law that will rely even more heavily on that fragile system. I have real concerns with that. If you vote for this motion, I look forward to your support next year for a very strong rigorous Medicaid system that supports the ACT teams, because we have not been doing that today. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

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

The SPEAKER: The Representative may pose her question.

Representative **PERCY**: I would like if somebody could tell me if the mental health advocates were involved in designing those descriptions that are both in Report A and Report B, and I would like to know if the advocates support the motion that's in front of us.

The SPEAKER: The Representative from Phippsburg, Representative Percy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative **LEWIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This bill has been kicking around here a long time and the advocates have been involved. The truth of the matter is some of them like it and some of them don't, and that's really where it comes down. I don't mean to be flippant about it, but there are those who think it's a good thing and there are those who do not. Those who do not talk a lot about civil rights and people should not have to take their meds if they don't want to take their meds and all of that. It's an honest difference of opinion, but I can tell you I've watched the advocates being involved for a very long time and Senator Nutting has not been any stranger to anybody who wants to discuss this. He's everywhere talking to anybody who is willing to discuss it, as was Senator Mills while he was helping to rewrite it. It isn't that people haven't been involved, it's just that some of them like the outcome and some of them do not. Thank you.

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 in support of the pending motion. Every year, like so many of you, I put out a survey to the members of my community. The result on this particular one this last month, one of the questions on my survey was this very matter before us at this moment. Seventy-nine percent of the good citizens of Livermore Falls, Leeds and Wayne wanted me to vote in favor of this and I will do so. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative Eves.

Representative **EVES**: Thank you, Madam Speaker. I wanted to respond to the question that was posed through the Chair about who was involved in the process. This was a long process and we did hear at multiple times that, throughout the public hearing, there was a heavy emphasis on the families of people who suffer from mental illness, and there was testimony from the Disability Rights Center and others that did have concerns. So it is not a simple answer to the question, but there is a divide and I think that going back to my previous statements about this being such a large issue, that if you don't know what you're voting on, then I think the cautious thing to do is to vote against the Majority Report. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Peterson.

Representative **PETERSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I speak today in opposition to the pending motion, with great respect for my colleagues on the Health and Human Services Committee that are on the current report in front of us.

LD 1360 is a bill which was extensively discussed in the Health and Human Services Committee and resulted in a divided report with two very different amendments which reflect two different approaches to a complex issue – the best way to treat Maine citizens with a psychiatric disability in a community setting.

The subject at hand is the use of the Progressive Treatment Program or PTP, which we heard discussed earlier, which has been court-ordered outpatient treatment, typically under very close supervision, as a means of providing treatment and support for a person with a significant psychiatric disorder. This Progressive Treatment Program approach was originally enacted as a pilot several years ago with a sunset provision for July of this year.

Should we fail to act on this matter, the Progressive Treatment Program will be curtailed and a tool that has proved valuable to some individuals will no longer be available. Acting to maintain this out-patient treatment tool seems to be reasonable – for it provides additional alternatives for individuals who are dealing with the impacts of a psychiatric disability.

Where the committee disagreed, and we split on a 9 to 5 vote, was regarding what approach to take. Committee Amendment B, which was the minority report that I supported, essentially leaves the existing program intact, extends the sunset provision until July 1, 2014, and calls for additional review and analysis of the effectiveness of the Progressive Treatment Program – with a report due to the Committee in January of 2012.

Committee Amendment A describes a number of new elements in the Progressive Treatment Program, and expands both the mandatory nature of this out-patient treatment regime, the people who can order participation in the program, as well as the nature of that participation. In our debate today you have heard people speak about what they perceive as the advantages of these expansions of both mandatory participation and the people who can direct such participation. I will not comment extensively on the details of the approach because I did not support it. Frankly, I was not convinced in Committee or by the debate on the floor that the additional mandated elements would improve outcomes for the individuals or the community. While I think that a Progressive Treatment Program is another valuable tool in helping Maine citizens manage a psychiatric disability, I was concerned that the new elements have expanded the program in ways that could have unintended negative consequences. If you read the language and see the number of caveats, protections and limitations – it becomes clear very quickly that we are on a slippery slope. I prefer to go slow on any mandated interventions that can deprive people of their freedom to choose.

All of us have encountered the impacts of psychiatric disability in our communities, perhaps in our own families. I am glad it no longer carries the stigma it once had, and that folks with a psychiatric disability are now able to be integrated into our communities and live productive and fulfilling lives. In my career as someone who encourages independent living for people with all types of disabilities – be it physical, sensory, cognitive, or psychiatric – I have worked closely with people who have made great strides in living as independently as possible. Providing the tools for that independence is the key to me. Community based service alternatives are essential – but so is the freedom to choose the appropriate alternative. I am concerned that the majority report tips the delicate balance in the wrong direction on this matter of personal autonomy. Providing resources is essential, mandating the use of those resources, I am just not sure.

This discussion is a variation on a theme we often discuss in this Chamber and have for many, many years. How do we strike the balance between protecting the community and the individual, and giving individuals control, and the right to decide and even "the right to make the wrong decision?" There are some debates that come around over and over – for instance, making helmets mandatory for all motorcycle riders – there are always passionate voices and good arguments on both sides. Some of my colleagues would, no doubt, be happy to regulate a number of the behaviors that we know are "bad for us" such as tobacco use. We always balance that in allowing for personal decision-making and autonomy. We must think long and hard when we tip that balance and take away people's autonomy.

This body always struggles to find the balance – and so we must here. This is another instance where we must find the "sweet spot" – the point at which we encourage behaviors that are healthy and appropriate, without eliminating an individual's autonomy. The sweet spot is hard to find on this issue – because it is complex. How wide are our community norms? Where does behavior cross the line into being inappropriate? Who will be the keepers of those norms? Who decides? What is the basis for the decision? Should an Assertive Community Treatment Team made up of a psychiatrist, a mental health nurse, licensed Master's level clinicians, and counselors/case managers be the decision makers? Maybe the head of a psychiatric hospital? Or the Commissioner of Health and Human Services? Should it be a law enforcement officer who has information from a concerned family member? This proposal, even in its latest amended form introduces many more players and many more complexities into the mandating of treatments – even in a community setting. It is not a responsibility I would personally welcome – I know that. Do we really want to create this unwieldy system that can ultimately deprive an individual of his or her autonomy and decision-making?

I have not been convinced that a case has been made to expand the ways that a Progressive Treatment Program can be mandated – without significant consequences for an individual living independently in the community. We need to maintain this tool, but we need to proceed with greater caution before we do anything that may take away the liberty or the autonomy of a person with a disability – including a psychiatric disability – no matter how good our motives may be. In this case, I am convinced that the motives behind the bill are well-intentioned. It is what is not intended, and the impact those unintended consequences may have on the lives of our fellow citizens – that concerns me.

This vote will be a matter of conscience and one where we each weigh our values and our beliefs. I will continue to be voting against the majority report, Committee Amendment A as amended by the other body, and urge the more restrained approach taken by the minority of the HHS Committee in Committee Amendment B. I hope you will join me in rejecting the current motion, so we can have the opportunity to consider and pass Committee Amendment B and maintain this important tool for community based out-patient mental health services without unduly expanding its scope in a way that could undermine the autonomy of some of Maine's vulnerable citizens. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

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

The SPEAKER: The Representative may pose her question.

Representative **PERCY**: Thank you, Madam Speaker. Has the Judiciary Committee seen and fully vetted the implications of this amendment? Also, has the Criminal Justice Committee seen and vetted the implications of this amendment in terms of public safety? Thank you.

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

Representative **PRIEST**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This matter has not come before the Judiciary Committee.

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

Representative **HASKELL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This matter has not come before the Criminal Justice and Public Safety Committee.

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

Representative **STUCKEY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise today in opposition to the pending motion and, unless I forget Madam Speaker, I would request a roll call.

Representative **STUCKEY** of Portland **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-512) as Amended by Senate Amendments "A" (S-517) and "B" (S-520)** thereto.

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

The **SPEAKER**: The Representative may proceed.

Representative **STUCKEY**: Thank you, Madam Speaker. I have a lot of notes here. Most of what I wanted to make sure got covered today was covered. A couple of things in response to a previous question by Representative Percy regarding the involvement of advocates in this bill, I think if what she meant by that were advocates from all sides contributing to the current bill, I think the answer is probably no. Were there advocates involved in the overall discussion of this issue? Clearly there were.

There are a couple of things that I am concerned about in the bill that have been touched on a little I'd like to expand on. One has to do with the number of examinations that are required. I'm certainly not an expert in this area, but the number of examinations have been reduced from four to three. Two will likely be done by professional members of the treatment team, the third will be independent. But the eliminated one would also be an independent evaluation, and I think in many other areas, it's generally including health insurance, it's generally agreed that a second opinion is often a good idea. There are some increases to the amount of time that the courts are given to make their decisions and during those increases, people, their involuntarily hospital stay is extended.

One of the things that is most concerning to me is that my understanding of the professional treatment programs, currently there are two ACT teams that are qualified to administer, and those are the two teams that are associated with the two state psychiatric hospitals. According to the Department of Health and Human Services, those are the only two teams that have the training and the level of expertise to handle people whose acuity reaches the commitment stage. So there is concern, on my part, about capacity to expand the system and the appropriateness of expanding the system without taking the time to get the other ACT teams up to speed.

Another area where I think I have it right is that the consequences now for noncompliance with your treatment is that medication can be forcibly administered to resisting individuals in an outpatient setting. Most of the other states, it's been referred to the fact that 43 other states have this program in place. As far as I could find, most of them, for noncompliance the requirement was recommitment to the hospital and the ACT teams or the other equivalents of the ACT teams were not allowed to administer forcibly medications in the community.

The other concern I think that I want to mention is that this is an instance, I've run into to it several times up here in the last couple of years, where the issues that come before us are often—I'm trying to think of something other than, well, it's the tail wagging the dog. We've cut in our budget deliberations just in the time that I've been here and I've been told that that's been a continuation that's lasted more than the two years. It didn't start

when I got here, but since I've gotten here we've cut, I believe, \$5.3 million to adult mental health services. This bill, when the department was asked to review this bill, this amendment, they initially put a fiscal note on it of close to a million dollars. That has since been stripped off, I believe, on the assumption that the capacities of the ACT team exist and, therefore, this bill could get the consumers coming through the program would have a place to go. It doesn't, however, I think, talk about the fact that as of this past September there were 36 people on a list waiting to get into ACT teams and as recently as last week, I believe, there was currently one of the 11 ACT teams in the state that didn't have a waiting list. So the ACT teams are now full and busy and working with people who are in voluntary treatment which is, by most people's standards, the best practice. So we're talking here about a situation where I worry that the capacity to put this program in place does not exist, the funding to support that capacity, even if it did exist, is not there, and we're trying to feel good about something which I think all of us would prefer to solve. But we, as I believe somebody said earlier, what we need to do is go back to the beginning and start making sure that we're taking care of this situation from one end to the other and that we have a whole continuum of services and checks and balances in the system.

I would just finally I think call your attention to, if you haven't had a chance to look at it, the other report that, the gist of the second report is to require the Department of Health and Human Services to conduct and review an analysis of their progressive treatment program. They did give us an interim report in February, the gist of which it said that there was not enough evidence to appropriately evaluate the program yet, and that that report to the Joint Standing Committee of the Legislature having jurisdiction over health services matters come in January 2012 and the review process must include the collection and analysis of data regarding to the participants in a progressive treatment program over periods of time prior to, during and after participation in the program. The review process must include work with a broad group of stakeholders to compile a list of resources that would be needed if the state were to implement assisted outpatient mental health treatment for persons who have been ordered by the court to receive mental health treatment outside of a psychiatric hospital. Absent that information, I think the best we can do is to continue to try to support all of the professionals who are out there trying to provide services to not only the consumers but their families and friends and the community. I urge you to vote red on this and support the Amendment "B". Thank you, Madam Speaker.

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. As some of you know, and I've probably mentioned before, earlier in my life I ran a 24 hour crisis center intervention center and an emergency hotline that included a drop-in component. In addition, I worked for York County Counseling Service and have worked with a number of families and a number of individuals with a wide range of issues. I have a little experience in this area. I want to speak to the concerns I have because I was on the Health and Human Services Committee when the first bill was enacted. I have some concerns and questions about this really tough issue.

I'd like to thank the good Senator Nutting for his persistence in attending to the issues not only of his family, but being concerned about a number of individuals in our communities and attempting to find the right balance, to find the kind of care and treatment necessary in order to create the most safety for the individuals and for the communities. I also want to thank the

committee for this tough issue because a number of members who are on the committee now were on the committee when I was there. There was a push and pull about what the right balance was. It appears as though the balance has shifted a little bit and those are things I wish to speak about.

When we enacted the bill, we carefully prescribed the bill to have appropriate control we felt would work. We also wanted to see what would happen and how it would work. I'm concerned that the bar is being lowered with the amendment that we are currently discussing. I would be pleased to be able to discuss and vote on the amendment which is not in front of us and that we technically should not be discussing at this time. We chose at the time not to go this far and now Committee Amendment "A" is proposing that we do. I would urge you, if you have not done so yet, to read the letter on green paper from Dr. Brian Rines. Dr. Rines, it's described, has performed thousands of involuntary commitment evaluations over the past 35 years. He raises some, I think, very appropriate concerns in his letter. In the first paragraph he said that he would encourage us to have the department extend the study of time of the current process in order to better understand how the progressive treatment program is working and what changes. He also is concerned that judges can't force people into a treatment protocol. Although we've certainly heard some information to the contrary, my experience has been that it's extremely difficult to get people to cooperate, especially when they are resistant to treatment and that the system, as it's being proposed, I think could be very problematic. I also have to say that there are parts of this that are appealing because it seems like a silver bullet or maybe another tool in the arsenal. If that is in fact the case, we should do it perhaps this coming session in a more careful way.

In addition to being concerned about the lowering standards, I'm concerned about the costs. The good Representative from Gorham, Representative Sanborn, was correct when she said that we must work on a total coordinated process of prevention, early intervention and treatment. Enacting this program, in spite of the fiscal note that's in front of us, I just cannot imagine how it's not going to have an adverse impact on other parts of our community based mental health services. The way that it's going to be instituted, the pressure that will be on the ACT teams and the people who will remain on waiting lists because the ACT teams will be prioritizing this, they're all really serious questions and I don't know that we have the right answers to that yet. I want to remind you that we cut \$5.3 million out of mental health services in this budget. The ACT teams themselves had a cut of \$331,000 in our supplemental. So as I finish my thoughts and ask you to vote red on this motion, with the greatest respect, truly, for my colleagues and the House chair of the Health and Human Services Committee, I would like to pose two questions through the Chair. Madam Speaker, I wish to pose a question through the Chair.

The SPEAKER: The Representative may pose his question.

Representative **WEBSTER**: Thank you. So I'm curious to know as we have cut these programs to that extent this year and, as I recall, cut them every year since I've been here for six years, how will we make this work with a system that has already been so weakened?

The SPEAKER: The Representative from Freeport, Representative Webster has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from North Berwick, Representative Eves.

Representative **EVES**: Thank you, Madam Speaker. The available resources and I think it is appropriate to talk about the committee process a little bit, about the fiscal note and I think our chair could probably do a better job than I could with it. But there

was a fiscal note that when we last met as a committee, there was never intended to be a fiscal note. So the department went back on their calculations, there was a fiscal note, they worked with it to get rid of that by putting language in that says only within available resources. My concern with the wording of available resources is how is that defined and the way that I see it playing out in the real world on the ground is that when a judge orders outpatient treatment to the ACT team, my concern and I do feel sincerely that this is a strong possibility that the people that are waiting on the waitlist will be displaced by those that are involuntarily being required to participate in treatment. So I think that is one of the unintended consequences of the funding and of this Majority Report. Thank you.

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

Representative **PERRY**: Thank you, Madam Speaker. To answer the question as well, on page 13, limitation #10 gives the limitation that the ACT teams available always will be right at this point those that are available now. The other thing is there are ACT teams who do have some openings and can we guarantee that some of the people on the waitlist aren't the people that are going through the process to be able to get in. Also, ACT teams have fidelity standards so nobody is going to be replaced or taken out of it. And the way this is written now, the ACT teams that are available will be a part of it, but in terms of what happens with the availability of the system, this is based on what is available. We should be working on keeping this available whether we have this law or not. This law is not going to change whether it is available or not, it's only an option. Thank you.

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

Representative **TUTTLE**: Madam Speaker, I realize that people are very emotional on this issue and that people feel very strongly, but I would pose a brief question through the Chair.

The SPEAKER: The Representative may pose his question.

Representative **TUTTLE**: Has anyone not made their mind up on this issue one hour ago? If not, I would suggest we vote and would request a quorum call.

Representative TUTTLE of Sanford inquired if a Quorum was present.

The Chair declared a Quorum present.

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

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

Representative **GILBERT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I served on a board of directors for Friends Together. It's a supportive social club in Franklin County, one of many across the state that were established as a result of the AMHI Consent Decree. I now volunteer around the building to help keep it in shape. My wife volunteers every Thursday afternoon to help them with their bookwork and their reports to DHHS. I know these people. They're individuals who deserve respect and the ability to choose. Because I don't know how this bill will affect them and they're my friends, I'll be voting no on this issue.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Connor.

Representative **CONNOR**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in favor of this motion and apologize for prolonging this debate, but obviously when we are looking at the rights of individuals and the rights of families to help those sick individuals, I think that we all owe it to have a full and thorough debate and that is why I rise. We've heard testimony from a number of my friends to say don't vote in favor of this motion and I appreciate that. In fact, it's hard for me to stand up and say to some of them that I think you're wrong, but in this instance, Madam Speaker, I feel that I have to rise and say I think that they are wrong.

When the families of these individuals watch a train going down a track, when they know there's no bridge over the river and they know there is a train wreck about to happen and they have no tool to stop that train, that's unbelievable to me. So if this measure before us gives them a tool to work with the courts, to keep that person in a dignified manner. We're not saying let's commit this person to the hospital, which I think might be the least dignified of our options, but sometimes necessary. To my understanding and no one has told me different that this does not change the standard by which we would put someone in a hospital. What this does is give us a new tool to say we will keep you in your home, we will require you to have this treatment and, by golly, we'll do everything we can to keep you healthy. I think we owe that. We owe that not just to the families that are concerned about themselves and their loved one, but we owe it to that loved one.

The good Representative from Gorham spoke about insight into disease. Now I too am a health care provider. I'm a nurse. We have people not just in mental health, in all levels of health that don't have insight into their disease. When you're morbidly obese you continue to eat, you don't have insight into your disease. You need someone to help you. If this bill before you that some have said is being rushed, now this was a carry over from the 124th First Session. It's gone through a full, nearly two full sessions of this Legislature, and it's gone through what feels like to many, 14 hours of debate. It's had a full hearing, it's had a full discussion and I think we owe it to those families and those loved ones to vote yes and, if we need to correct it in the future, some of us will be back here and will do that. Thank you, Madam Speaker.

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

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. This gives me a great opportunity to suggest to my good colleague from Kennebunk, Representative Connor, that he is wrong on this one. This measure significantly amends Title 34 and it does so without the input of the Judiciary Committee or the Criminal Justice and Public Safety Committee. That concerns me greatly. If this bill were an attempt to greatly amend Title 36, which is the taxation section, I would be on my feet with the same complaint. And it does significantly amend it. And it does create some due process problems that are of major concern. It increases the date, changes the time span in which a hearing must take place. It reduces from four to three the numbers of independent medical evaluations or psychiatric evaluations required. It gives district court judges another tool, yes, but it also places on them the reasonability of managing an entirely new program regarding civil commitment. And all of this is done without any nod to the people in this body to whom that responsibility in jurisdiction has been drawn. For that reason, I will be voting red on this and I encourage you to follow my light and look on to the Minority Report, which protects the program and yet admits that we're not

quite ready to take a step this major without further thought. Thank you, Madam Speaker.

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

Representative **WEBSTER**: Thank you, Madam Speaker. To all due respect to my good friend from Kennebunk, we do have a way to stop that train wreck currently. That's the bill that the committee I served on put in place. It's involuntary commitment. The system is in place. We believe it's working, we should find out by letting it go its course and address the process and have a full review through the amendment that's not in front of us at this time.

The second question I wish to ask, Madam Speaker. I wish to pose a second question through the Chair.

The SPEAKER: The Representative may pose his question.

Representative **WEBSTER**: My question is if the judge orders a one year outpatient treatment but the eligibility screening system, APS, that DHHS has in order to ensure that we're spending our dollars correctly, if the APS, the eligibility screening system decides after 90 days that the medically prescribed or the judge/court prescribed process is no longer necessary, does that mean that we will no longer be able to receive federal dollars or will we be paying with one hundred percent state dollars?

The SPEAKER: The Representative from Freeport, Representative Webster has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from North Berwick, Representative Eves.

Representative **EVES**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I think that's a very difficult question to answer and I'd bounce that back to the Appropriations member that asked it, but I think the true answer that I have is we don't know and there is a real cost to this. If the manage care entity does not approve it, who pays for it? If the court orders it, we are in a bind and that is one more reason why I feel we ought to vote red on the pending motion. Thank you.

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

Representative **PERRY**: Thank you, Madam Speaker. Most of the people who are at the point of deescalating or escalating, I don't know which way you call it, with severe mental illness are either on disability, are homeless, have no insurance or are on MaineCare. One way or the other, it is very likely, whether hospitalized or outpatient treatment, the state is paying already. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-512) as Amended by Senate Amendments "A" (S-517) and "B" (S-520) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 366

YEA - Adams, Austin, Ayotte, Beaulieu, Bickford, Boland, Briggs, Browne W, Burns, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cohen, Connor, Cotta, Cray, Curtis, Cushing, Davis, Dill, Dostie, Duchesne, Eaton, Eberle, Edgecomb, Finch, Fitts, Flemings, Fletcher, Flood, Fossel, Gifford, Giles, Hamper, Hogan, Johnson, Joy, Kaenrath, Knapp, Knight, Langley, Legg, Lewin, Lovejoy, MacDonald, McFadden, McKane, McLeod, Millett, Nass, Nutting, Perry, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Rankin, Richardson D, Richardson W, Robinson, Russell, Sanborn, Saviello, Shaw, Sirois, Smith, Stevens, Strang Burgess, Sutherland, Tardy, Theriault, Thibodeau, Thomas, Tilton, Trinward, Tuttle, Valentino, Van Wie, Weaver, Welsh, Willette.

NAY - Beaudoin, Beck, Berry, Blodgett, Bolduc, Bryant, Butterfield, Cain, Cleary, Cornell du Houx, Crockett J, Crockett P,

Driscoll, Eves, Flaherty, Gilbert, Goode, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hunt, Innes Walsh, Jones, Kent, Kruger, Lajoie, Magnan, Martin JR, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Peterson, Pratt, Priest, Rotundo, Sarty, Schatz, Stuckey, Sykes, Treat, Wagner J, Wagner R, Watson, Webster, Wheeler, Wright, Madam Speaker.

ABSENT - Beaudette, Blanchard, Crafts, Greeley, Martin JL, Rosen.

Yes, 88; No, 57; Absent, 6; Excused, 0.

88 having voted in the affirmative and 57 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-512) as Amended by Senate Amendments "A" (S-517) and "B" (S-520)** thereto in concurrence.

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

SENATE PAPERS
Non-Concurrent Matter

An Act To Amend the Maine Medical Marijuana Act (EMERGENCY)

(S.P. 719) (L.D. 1811)
(C. "A" S-508)

PASSED TO BE ENACTED in the House on April 5, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-508) AS AMENDED BY SENATE AMENDMENT "A" (S-519)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, To Establish the Commission To Study the Rule-making Process under the Maine Administrative Procedure Act

(H.P. 1272) (L.D. 1784)

(H. "A" H-808 and H. "B" H-818 to C. "A" H-777)

FINALLY PASSED in the House on April 5, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-522)** in **NON-CONCURRENCE**.

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

CONSENT CALENDAR

First Day

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

(H.P. 1292) (L.D. 1805) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-832)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH**.

SENATE PAPERS

Non-Concurrent Matter

Resolve, To Transfer the Ownership of the Fort Kent Armory from the Military Bureau to the University of Maine at Fort Kent

(H.P. 1253) (L.D. 1759)

PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-831) in the House on April 7, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761) AND HOUSE AMENDMENT "A" (H-831)** in **NON-CONCURRENCE**.

On motion of Representative TRINWARD of Waterville, the House voted to **INSIST**.

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

The House recessed until 3:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS
Non-Concurrent Matter

An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data

(S.P. 704) (L.D. 1799)
(S. "A" S-515 to C. "A" S-483; H. "A" H-813)

Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on April 6, 2010.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483) AS AMENDED BY SENATE AMENDMENT "A" (S-515)** thereto **AND HOUSE AMENDMENT "A" (H-813)** in **NON-CONCURRENCE**.

On motion of Representative MILLETT of Waterford, the House voted to **RECEDE**.

The same Representative moved that **Senate Amendment "A" (S-515)** to **Committee Amendment "A" (S-483)** be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you, Madam Speaker. Along on the discussion of yesterday, I want to make clear that my motivation, late as it was, to the issue was given my background as a local educator and 10 years of working with local school boards at the state level, I feel very strongly that the responsibility of local school boards to evaluate personnel, to make policy and to be responsible to their local voters should not be compromised by anything that we might do or say here in Augusta. It was not part of my intent to make an impassioned plea for the Race to the Top competition, but I had been briefed on the three bills that came through the department and the administration within the last two or three weeks and felt that we ought to accept, to the extent that we could make them acceptable, those three bills, at least to give us a chance to compete. In so doing, I was not in any way attempting to compromise the acceptability of LD 1799, but merely to address

the amendment that I just moved to Indefinitely Postpone. It is my feeling that and I've had so many issues that probably this issue is one of the more important ones to my local educational constituency, urging that this amendment be stripped.

I have asked to be circulated, I hope it has been circulated, a very recent letter of opinion to the presiding officers, in this case, Madam Speaker, that I would like to read from or make reference to. If it hasn't been distributed, perhaps it could be, but I would just like to reference it and then maybe when it's in front of you, you can all see what I'm reading from. It is an opinion from the Attorney General and it speaks to the issue, both in terms of the importance of the bill, which I just indicated I'm supportive of, indicating that applications for funds through the federal Department of Education's Race to the Top program, requires that that office, the Attorney General's Office certify that the state does not have any legal, statutory or regulatory barriers at the state level to linking data on student achievement to teachers and principals for the purpose of teacher and principal evaluation.

The final paragraph, when you see it as more important and perhaps subject to some interpretations, but my literal reading of it is this: The proposed amendment, S-515, which I have moved to Indefinitely Postpone, prohibits the department from adopting any model for teacher evaluations that includes student assessments that have not been approved by the stakeholder group. This prohibition is a potential legal barrier to linking student achievement to teacher/principal assessment. Moreover, it leaves open the possibility that the stakeholder group will not approve any such model. In either case, the department might be prohibited from adopting a model that includes teacher assessments, local school units in turn are prohibited from using any model that has not been adopted by the department. So the perfect storm of all of the worst consequences is alluded to. I do not wish to opine and even pretend or act like an attorney because I am not, but I think that is a concern that I wanted all of you to have in front of you. So my request is that you give this motion an opportunity to pass, I will request a roll call before I sit down, and see if we can't reach some agreement that it is worth preserving the bill but without this amendment, which my folks back home are referring to as a poison pill amendment. So I hope that you would give consideration to the letter. I'm not sure if it's yet been distributed, but I've read verbatim from it, and that you would agree with my motion to Indefinitely Postpone. Before I ask for a roll call, I would like to indicate that to the extent that my uncharacteristic behavior of yesterday was offensive to you, I am sorry. I would request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-515) to Committee Amendment "A" (S-483)**.

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 Chapman, Representative Sutherland.

Representative **SUTHERLAND**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. One of my very favorite words is opined and the good Representative who just spoke before me used it and I thought a great opportunity for me to opine as well. I am so far from being an attorney, but if I may just respond to the letter that you all have in front of you. One of the most important things that this piece of legislation does is to remove the statutory barrier that prevents student achievement data from being tied to future performance. That's a very positive thing. That's something that we must do in order to be eligible to move on with Race to the Top. That is part of the bill that is before us. The second paragraph in the letter that you have before you requires that the Attorney General

certify and then "the state does not have any legal, statutory or regulatory barriers at the state level to linking data of student achievement or student growth to teachers and principals." By passing this bill, we will remove that barrier. Now this application has to be submitted by June 1. The letter goes on to talk about perhaps maybe these are and I know that a number of my colleagues here are attorneys, so if I call them wiggle worms that attorneys typically use, their heads will all turn and look at me. But there are, I'm looking at some right now, there are potential, it leaves open the possibility, it might be prohibited, it might happen. I call those kinds of things some wiggle worms, but it's an opinion until and unless this would be taken to court with a determination made, you have exactly that, an opinion. So I'm opining my opinion which doesn't count as much, I'm sure, but if you look at all of that, we are looking at June 1 to submit an application. These folks in that stakeholder group are given until July 1, 2011 to come up with models. Now I would say to you that regretfully I will not be on the Education Committee next winter, but there will be 13 very smart legislators on that Education and Cultural Affairs Committee that I suspect will be putting all kinds of spotlights on that stakeholder's group working to develop models. And should they have a difficult or slow time, I have not a doubt for a minute but that the committee will be all over them. They have until July 1. I am not concerned about that part. This raises a question, I think it will be totally and capably addressed as the work goes on.

In answer to a question that I was asked earlier, in speaking to some of my fellow committee members and talking about this stakeholder group that needs to come up with results, the intent was a collaborative made up of those five professional organizations that are listed there and certainly the intent was a majority would make the decision. It would be a majority rule but a really collaborative effort. So we're comfortable that when that group gets together and starts working there will be results. Thank you, Madam Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of Senate Amendment "A" (S-515) to Committee Amendment "A" (S-483). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 367

YEA - Austin, Ayotte, Beaulieu, Bickford, Browne W, Burns, Ceбра, Celli, Chase, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossil, Gifford, Giles, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Prescott, Richardson D, Richardson W, Robinson, Sarty, Schatz, Strang Burgess, Sykes, Thibodeau, Thomas, Tilton, Weaver, Willette.

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

ABSENT - Beaudette, Blanchard, Greeley, Kent, Rosen, Tardy.

Yes, 52; No, 93; Absent, 6; Excused, 0.

52 having voted in the affirmative and 93 voted in the negative, with 6 being absent, and accordingly the motion to **INDEFINITELY POSTPONE Senate Amendment "A" (S-515) to Committee Amendment "A" (S-483) FAILED.**

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

ENACTORS

Emergency Measure

An Act Regarding Mental Health Treatment

(S.P. 495) (L.D. 1360)

(S. "A" S-517 and S. "B" S-520 to C. "A" S-512)

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. 118 voted in favor of the same and 26 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, Directing the Joint Standing Committee on State and Local Government To Study the Rule-making Process under the Maine Administrative Procedure Act

(H.P. 1272) (L.D. 1784)

(S. "A" S-522)

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

Emergency Measure

An Act To Amend the Maine Medical Marijuana Act

(S.P. 719) (L.D. 1811)

(S. "A" S-519 to C. "A" S-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. 129 voted in favor of the same and 15 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Resolves

Resolve, To Transfer the Ownership of the Fort Kent Armory from the Military Bureau to the University of Maine at Fort Kent

(H.P. 1253) (L.D. 1759)

(H. "A" H-831)

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

ORDERS

On motion of Representative ADAMS of Portland, the following Joint Resolution: (H.P. 1326) (Cosponsored by Senator DAMON of Hancock and Representatives: EATON of Sullivan, KRUGER of Thomaston, MacDONALD of Boothbay, PENDLETON of Scarborough, PERCY of Phippsburg, PIEH of Bremen, PRESCOTT of Topsham, Senator: RECTOR of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO SUPPORT THE FISCAL YEAR 2011

FEDERAL APPROPRIATION FOR THE NORTHEAST GREAT WATERS RESTORATION AND CONSERVATION INITIATIVE

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the United States Congress as follows:

WHEREAS, the Northeast Great Waters Restoration and Conservation Initiative, now before the United States Congress, was created in direct response to the success of regions, such as the Chesapeake Bay, Puget Sound and Great Lakes regions, in securing federal funds for their individual ecosystem restoration plans; and

WHEREAS, the Gulf of Maine was left out entirely because it does not have a comprehensive program of the size and scale of the other regions, and the restoration, conservation and preservation of the great waters of our State and nation are of economic and environmental benefit to all our people; and

WHEREAS, the well-being of the freshwater and saltwater shorelines of the New England region are vital to human health and our regional economy, providing food, recreation, transportation and drinking water; and

WHEREAS, the Gulf of Maine has been recognized as a great water by the America's Great Waters Coalition, an unprecedented collaboration of state and federal agencies, nonprofit organizations, scientific research institutions and others concerned with the health of the Gulf of Maine and interested in creating and implementing a comprehensive plan for restoration and conservation; and

WHEREAS, the State of Maine has the longest coastline on the Eastern Seaboard and is a region of ecological variety and vitality, from the sand beaches of York County to the bold coast of Acadia and the greatest tidal surges in the United States in Washington County, containing regions of beauty, plenty and opportunity and providing sea harvests, tourism and ocean-generated clean energy; and

WHEREAS, 6 northeastern states have joined in the Northeast Regional Ocean Council, an organization created by New England governors, in an appeal for a unified \$70,000,000 fiscal year appropriation to advance implementation of restoration plans for the regions' 4 great waters ecosystems, including Lake Champlain, Long Island Sound, Narragansett Bay and the Gulf of Maine; and

WHEREAS, the Gulf of Maine would receive approximately \$30,000,000 of the regional request, of which \$10,000,000 would be spent in the State, for efforts including combined sewer overflow abatement, nutrient modeling, invasive species control and toxic pollution monitoring and the international Gulfwatch Contaminants Monitoring Program, among other ongoing efforts; and

WHEREAS, governmental and nongovernmental agencies and parties are working together with their counterparts in all other New England states in support of this fiscal year 2011 request for balanced development and protection of our critical shoreline resources; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to urge and request that the Congress of the United States support this important project of restoring and conserving the Northeast Great Waters and we urge each Member of the Maine Congressional Delegation to work to support a \$70,000,000 appropriation in fiscal year 2011 for the Northeast Great Waters Restoration and Conservation Initiative; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the

United States House of Representatives and to each Member of the Maine Congressional Delegation.

READ and ADOPTED.

Sent for concurrence.

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

ENACTORS

Acts

An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data

(S.P. 704) (L.D. 1799)

(S. "A" S-515 to C. "A" S-483; H. "A" H-813)

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

On motion of Representative FINCH of Fairfield, 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. 368

YEA - Adams, Beaudoin, Berry, Blodgett, Boland, Briggs, Bryant, Butterfield, Cain, Carey, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Gilbert, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, Magnan, Martin JR, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Plummer, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Saviello, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Beck, Bickford, Bolduc, Browne W, Burns, Campbell, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cleary, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossel, Gifford, Giles, Goode, Hamper, Hanley, Harlow, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, MacDonald, Martin JL, Mazurek, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Prescott, Richardson D, Richardson W, Robinson, Sarty, Schatz, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Tuttle, Weaver, Willette.

ABSENT - Beaudette, Blanchard, Greeley, Rosen.

Yes, 80; No, 67; Absent, 4; Excused, 0.

80 having voted in the affirmative and 67 voted in the negative, with 4 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The House recessed until 6:30 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election"

(H.P. 1313) (L.D. 1826)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-830) in the House on April 7, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-830) AS AMENDED BY SENATE AMENDMENT "G" (S-529)** thereto in **NON-CONCURRENCE.**

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

SENATE PAPERS

Bill "An Act To Amend the Laws Governing the Election of Androscoggin County Commissioner District Budget Committee Members"

(S.P. 747) (L.D. 1832)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-531).**

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Senate Amendment "B" (S-531) was **READ** by the Clerk and **ADOPTED.**

Under further 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 Senate Amendment "B" (S-531)** in concurrence.

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

ORDERS

On motion of Representative ADAMS of Portland, the following Joint Resolution: (H.P. 1327) (Cosponsored by Senator GOODALL of Sagadahoc and Representatives: KENT of Woolwich, PERCY of Phippsburg, WATSON of Bath, WEBSTER of Freeport, Senators: BLISS of Cumberland, DAMON of Hancock, GERZOFKY of Cumberland)

JOINT RESOLUTION RECOGNIZING THE TRAGIC EXPULSION OF THE RESIDENTS OF MALAGA ISLAND, MAINE IN 1912 AND REDEDICATING OURSELVES TO THE MAINE IDEALS OF TOLERANCE, INDEPENDENCE AND EQUALITY FOR ALL PEOPLES

WHEREAS, Malaga is a small rugged island of less than one square mile situated in Casco Bay off the shores of the Town of

Phippsburg in Sagadahoc County and the Town of Harpswell in Cumberland County; and

WHEREAS, from about 1870 to 1912, Malaga was home to a mixed-race Maine community of people of Scots, Irish, Anglo, Native American and African-American ancestry, among others, struggling to survive as boatmen, fishermen, carpenters and laundresses, as did many rural islanders of that era; and

WHEREAS, in that era, for fear of being taxed to support alleged "chronic pauperism," nearby towns denied that Malaga existed within their town waters, and amid lawsuits actual ownership of Malaga lay in dispute for decades; and

WHEREAS, in that era, the now-disgraced Eugenics Movement claimed poverty and intemperance were genetic traits due to "impure blood," using pseudoscience to reinforce racial and social stereotypes, holding Malaga and other isolated Maine communities up to ridicule in the national press, including the sensational "Queer Folk of the Maine Coast" in *Harper's* magazine in 1909; and

WHEREAS, in that era, prime island real estate, including Malaga, suddenly caught the eye of speculators and developers eager to build resort hotels for Maine's booming tourist trade; and

WHEREAS, in 1911, amid such tensions, Maine's Governor Frederick Plaisted and his Executive Council personally led an expedition to investigate conditions on Malaga and thereafter paid \$417 to clear title to the island in the name of the State of Maine, which took possession; and

WHEREAS, in 1912, as public policy, the State of Maine evicted all Malaga islanders from their homes, paying token sums for the structures, ordered the Malaga schoolhouse, wharves and houses removed or destroyed, dug up the island graveyard, jumbling all remains into common caskets, and forcibly relocated many islanders to the Maine School for the Feeble Minded at Pownal, where some spent the rest of their lives and where the deceased of Malaga lie in mixed graves to this day; and

WHEREAS, in 1925, the State of Maine by law allowed forced eugenic sterilization of many residents of the Maine School for the Feeble Minded in order to, in the words of one Maine State Senator, "permanently improve the human race . . . and enforce sound, decent and efficient human beings"; and

WHEREAS, with Malaga deserted and the islanders dispersed or institutionalized, for almost 100 years the true story of Malaga disappeared into mystery and myth, a half-remembered legend deeply tinged with heartbreak, loss and shame, rarely referred to openly even by the scattered descendants of the Malaga islanders themselves; and

WHEREAS, the last known living former Malaga islander died in 1997 at the age of 103; and

WHEREAS, in recent years the story of Malaga has been rediscovered and has been the subject of books, national publications, television productions, university studies and a prominent Maine Public Radio production, "Malaga Island: A Story Best Left Untold," and will be the subject of a Maine State Museum special exhibition for the centennial in 2012; and

WHEREAS, in 2001, the Maine Coast Heritage Trust purchased Malaga Island, which now serves as a nature preserve, a University of Maine archeological site, a landmark on the Maine Underground Railroad and a place of education, reflection and renewal; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, do recognize with profound regret the tragic displacement of the Malaga islanders in 1912, in the name of the disgraced Eugenics Movement, with its overtones of prejudice against poverty, racism and stereotyping; and, while rebuking this past, rededicate the future

to the ideals of tolerance, independence and equality of all peoples in our ever-changing world, which are the birthright and heritage of all proud Mainers; and rededicate ourselves as lawmakers to the social and economic justice that is the right of all peoples; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Coast Heritage Trust, the Maine Historic Preservation Commission, the Maine Historical Society and the NAACP.

READ.

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

Representative **ADAMS**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. The story of Malaga Island, Maine, related in this Resolve, is rarely remembered and is little known today. As you will read, it is by turns remarkable, revealing, shameful, cautionary, unexpected, unbelievable and educational. And often it is all of these things, all at once, as is so much of life. And for all too long it has been, as stated by one town official involved in the tale that you will read, "a story best left untold". This tragic story opened our last century and as we begin a new century and read and ponder this story, may we consider whether it is the story of the island's eviction or the island's redemption which, in our hearts, must be the most important.

Colleagues, the story before you is true and, like truth, it can sting. Colleagues, we cannot deny our past, but we do not have to be its prisoner. We cannot change our past, but we can change our future. And so, as lawmakers, let us read this story and rededicate ourselves to the work of seeking justice for all, which is, after all, the goal of good lawmaking. As Mainers, let us rededicate ourselves to the ideals of tolerance, opportunity and equality which, after all, are our birthright as Mainers. For Malaga Island, now a nature preserve, let students probe its secrets, let scholars search its history, let visitors enjoy its beauty and let its old ghosts find peace at last. No one will ever live on Malaga again, but, in a sense, a piece of it belongs to us all. Madam Speaker, I move Passage.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence. **ORDERED SENT FORTHWITH.**

ENACTORS
Bond Issue

An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election and November 2010 Election
(H.P. 1313) (L.D. 1826)
(S. "G" S-529 to C. "A" H-830)

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

Representative **TARDY** of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. Some of you of course are aware that I've been a member of this body since 1964, except for two years, and in those years many things have happened to Aroostook County. We've lost Loring Air Force Base and we've lost population because of the farming and other related issues. We've seen the membership of the House of Representatives drop from 16 members to, today, the figure of 9 in that period of time. What you have before you today is a piece

of legislation that I know many of you are not happy with some of the things that are in it. Frankly, if I were drafting it myself, I suspect it would be different because everyone comes from a different point of view and has a different desire, but in the final analysis, we have before us a package where some of us do not control the items that are in it. But I want to talk of specifically about what happens if this package were to fail, specifically we are under very little control in this state over the rail issue, and if we were incapable of having money on the table to show to the federal railroad board, we are in a position where it will be eliminated and we will have no choice but to cut Aroostook County from the rest of the state.

Let me point out that for a paper mill that produces 12,000 tons of paper per day, the outcome increase from rail to truck is \$13 million a year, not including the cost of inbound traffic. For a saw mill that produces roughly \$100 million board feet a year, the increased costs by truck traffic is about \$4 million a year. Those are within my district or very close to it and that's the potential impact it would have. The financial impact could well mean the end of both of those businesses, keeping in mind that if they would attempt to keep going, it would mean between 25,000 and 30,000 trucks per year would have to use the highways in Maine. I could go on and on and on and then I stop to think that some of the arguments against it, of course, are financial and I understand that. So I asked the treasury department to put together some figures for me as to what is the cost of this bond package, and I'd like to give it to you. For the first year, the cost of this bond package is \$1.61 per man, woman and child. In the second year, the cost will be \$8.04 for every man, woman and child in Maine. And in the third year and so on, the figure will be \$9.17 for every child, woman and man in Maine. Roughly \$9. I know that there is still the philosophical problem for many, but when I break it down to the figures that I got, I have a tough time wanting to be able to return to my district, return to Aroostook County and say we are not going to have rail transportation because we do not have the down payment that we need to have to demonstrate to the Federal Government. We know this also, that if we do this it is not the end, that the rails are in tremendous need, and in conversation with members of Congress from this state, they feel very strongly that once we do this part, we will be able to get federal funds to fix the rails because you know, for those of you who know what's going in Aroostook, and you know the short distance between Presque Isle and Caribou, that it takes one whole day to transport a carload of fuel to that community because of the conditions of the rail. I'm not here defending the company because that's not my role and I'm not in a position to do so nor do I want to, but I look at it as, what is it that's in store for us if we don't make some attempt in order to save what I believe will be the death null of Aroostook County, as far as being able to produce jobs for even our own people.

When I graduated from high school 90 percent of my class went to Connecticut out of a graduating class of 121. We've started to turn that around, but the turning around will be over and the future for Maine kids who are born in northern Maine will be gone. When I discussed on this body's floor my so-called bill dealing with Tree Growth, some people said that's going to hurt Maine mills because we may not have that wood that's being cut for the mills. Let me reverse it tonight that if we don't have tracks in Maine to support the mills in Maine, the future of those mills are in doubt. That's what we face, and I hope when you vote tonight that you'll keep that in the back of your mind and vote, hopefully, to preserve what we have. And I know I'm preaching to some of you and I don't need to, because I have to stand here as a member of the Aroostook County Delegation and plead with people of southern Maine and central Maine to help us because

we do not have the ability nor the resources or the votes. So I ask for your help tonight. Thank you.

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

Representative **Theriault**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I guess maybe I kind of dreaded this thing coming to this point right now because I know that kind of thinking, that this is maybe the end of the line. But many of you have heard me speak before about the importance of the railways, but I must reiterate how vital it is that we support this bond package, not only because of the railroads but also because we will be providing work and helping to preserve existing jobs in many areas of our state. And I've said it before and I will say it again, the section of rail stretching from Millinocket to Madawaska, that our schedule for abandonment later this year are literally the lifeline to Penobscot and Aroostook Counties. This section of rails serve 22 shippers and provides freight service transporting pulpwood, lumber and woodchips from mills, as well as heating fuel and cooking oils. If we lose the rail system—and we don't, by the way, have a major highway up north—where does that leave us? Going in to Canada would be the only route. The abandonment of these tracks would be devastating for companies who rely on the rail for economical transportation of their products. There will be a profound and negative effect for areas that already have high unemployment. By using the rails, the businesses, such as Fraser Paper, the largest customer on this line, are able to keep their costs down. At least, I'd say, 60 percent of the paper shipped out of Fraser is by rail. If forced to switch to truck traffic, this business would lose its competitiveness nationwide and will be faced with making layoffs in order to survive or could be forced to shut down. People employed by the lumber and paper industries will especially be impacted and if use of the tracks is discontinued, the mills in the past, not long from now, just a short time ago have been shut down for weeks and months at a time because the demand for lumber and the paper and other forest products has greatly declined. We will not see a turnaround for these industries if we allow the tracks in northern Maine to be abandoned. Things are picking up right now, I can see loads of lumber coming out of the Madison mill and I can see Fraser Paper running and things are picking up. If we lose the rails, we're in trouble. The 21 or so other shippers on this section estimate that they would pay as much as \$1 million more annually to cover the shipping costs of their product. If we had a closure of the railroad, they would have to hire 36,000 18-wheel trucks if they were cut off from rail. That was spoken before by Representative Martin. Many of their products are sent to New Jersey, Illinois, Indiana, Wisconsin and South Carolina, to name a few.

In addition to the negative impact on existing businesses without rail service, we will dramatically decrease our ability for future economic development. Bio fuels, engineered wood products and wind turbine equipment, businesses that are considering locating in some of our areas but all require rail access. We cannot afford to lose these opportunities to build our economic base and to create jobs.

There are also environment and safety costs of abandonment calculated by the Maine DOT report, which includes \$6.5 million for additional fuel costs for trucking, \$3.5 million for additional pavement costs, an estimated 202 accidents resulting from increased freight traffic on the roads, an additional 160 tons of carbon dioxide and 2,800 tons of nitrogen oxide to the atmosphere. If the rail lines are not abandoned, the long-term employment of 20 railroad personnel is anticipated with an estimated \$1.2 million in annual compensation. And if capital

improvements to the line were made, an additional 30 jobs would be created, wages and benefits that are estimated to be at least \$1.8 million annually for those jobs. It's just this way. There's a spin-off of another 960 secondary jobs that could be lost and a total of 1,726 jobs threatened if the rails should be shut down, and that's for Aroostook County. We are not buying trains. It's very simple. We are not buying trains. We are buying the real estate with a value of the metal that's on there of about \$26 million as we speak. We have a place for a utilities corridor if in fact we need to bring the utilities down. We do not have that major highway that most of you have here, all the way from Kittery to Houlton.

In closing, there is no other issue of more importance to me than supporting this bond package today in order to support existing businesses, future businesses and the economic climate of our state. I urge you to follow my lead and vote for this measure. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. That's a tough act to follow. I can tell you that I'm not going to repeat a lot of what has been said, but I can tell you right now I'd be remiss if I sat in my seat and not say anything because you people in this body have been a big help to the Katahdin area when we were down and out, when we lost 4,200 jobs. Nobody abandoned us, you were there helping us out and that's what I want to do because, north of Millinocket, this is going to affect everybody in the State of Maine. If you think one minute it's only going to affect Aroostook County, you got another thought coming. I can tell you when those mills in Millinocket shut down, the restaurants in Portland were really affected. The ripple effect of this is going to be second to none. You know, we're asking to help people, keep them working, keep the economy going, and you're talking about business. If you take the main artery out of Aroostook County, who in their right mind are going to go there to do anything? How are you going to get your products out of there? You know, you talk about roads, the condition of the roads today. Add another 3,000 or 3,500 more trucks on to that. The ripple effect, please think of what's going to happen to the people here in the State of Maine. We need help, we're hemorrhaging, we're asking for your help. You always helped us in the past, I know you'll come through again. So please, I ask you, follow my light, do the right thing. Yes, I have questions. We all have questions of this bond, but I can tell you right now doing nothing is not the answer. My little three towns of Millinocket, East Millinocket and Medway came to the bat with a resolve to the committee when we had the hearing and supported this. They know what's going to happen if we lose that rail system. Please, when you vote this evening, please vote with us and make this go down to the other end. Then we can move on and try to save some jobs, try to save some businesses in Aroostook County and leave here with some salvation and peace of mind. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Willette.

Representative **WILLETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Let me first say that being from Presque Isle, it shouldn't be any surprise to you that I am wholeheartedly behind this bond package and what it would do for Aroostook County. Now over the last few weeks there have been many discussions out in the hall with the Aroostook County Delegation and the people in opposition to this bond, and I've had a lot of conversations with a lot of my friends across the aisle. And as a result of the conversations, they would

usually end with a pat on the back and basically tell them we might, we feel for you, you need that rail up in the county, but I can't vote for it for one reason or another. I'm not going to get into those reasons, you all know the reasons. But what I would ask for those of you that expressed your sense of sympathy to me, don't feel bad for me. Feel bad for the businesses and the industries up in Presque Isle, Aroostook County, east and everywhere that this rail touches, okay? Feel bad for them, the families. These businesses and the families and the employees, they've done everything right to start businesses in a part of Maine that we all know is hard to live in, but we love to live there and we stay there, okay? As I said before, they've done everything right. These businesses employ hundreds of people, but they support thousands, trickling down from the employees to the families and then from the families to the businesses that they spend their paychecks. To me, these businesses, it's almost a shame that the fate of these businesses and what we concentrate on these businesses, about the 20 plus that we've been talking about, and it's a shame that they've worked through the fair market system, they've got themselves up and running, they're competing very well, okay? But to have the fate of those businesses hinge upon one business, to me, just does not seem fair. We're not asking for a handout, we're just asking for a little help, okay?

Now one business in general, I'm going to concentrate on one business in general because I don't want to be too repetitive and I imagine I will not be the last to speak on this, but I'm going to pick one in general and that's McCain's in Easton. You're thinking, well Easton, it's not even in your district. Well, this is not a district to district issue. This concerns everybody. One of the big reasons why I picked McCain's is I used to work for McCain's. I worked there for many years, and I also have friends and family that work at McCain's, and, most importantly, a lot of the constituents that voted to get me here work at McCain's. I would dare to say that if you ask around, a lot of the constituents and this is more Aroostook County geared, most of your constituents maybe have worked at McCain's at one time or another or work there now, or they have family members that worked there. If you can't find anybody in that group that maybe works there, I guarantee you don't have to search too far to find one of the hundreds of farmers that supply potatoes to McCain's that would be affected by the closure of this rail, okay?

Now I just want to throw some figures out there. McCain's employs about 525, plus or minus, employees that work at that plant in Easton. They make some of the best potato products that you can find in the market. The workforce up there is second to none. In order to make that product, they go through a lot of cooking oil and that cooking oil gets to McCain's one way and that's by rail. If McCain's cannot get that cooking oil in by rail, their operations costs alone just for the cooking oil will raise their operational costs \$1.1 million a year.

Now let me explain to you the mechanics of McCain's. McCain's has many plants all over the United States, and their potato processing plants are almost mirrored images of every other plant. So what they make in Easton, they can make in Othello, Washington, they can make in Florenceville, which is just a short distance away from the Easton plant. When they get a contract, it goes out to bid. Whichever plant can make it the cheapest, they make that potato product. We having the workforce that we have, as efficient as they work, we get the bulk of those contracts. Add \$1.1 million operation costs on to that, in Florenceville, just a short ways down the way. I'm not saying that they will get all the business, but business is as business does. They're going to go with the cheapest operational costs that they can go for, okay?

Now I hit upon a lot of you may know a lot of farmers. Well, here's another part that people don't think about and I'm just talking one industry. This is compounded 20 times over or more by the other industries. Just the farming contracts for potatoes, \$60 million a year in Aroostook County. That is life or death for these farmers up home. A lot of them can barely hang on as it is. This is their lifeblood. This is the reason that they can pass on farms from generation to generation, all sitting on the precipice of success or failure, hinging on what happens with this rail.

McCain's also has a satellite plant in Presque Isle. Now I've got a little more vested interest here, it's my district. It's a plant called Tater Meal. Tater Meal is basically a plant that was made to take all of the waste for McCain's, all of the peelings. If there's an out of grade product, they ship it to this plant. What this plant does, it dehydrates the potato product and makes it into a dry meal, which is then sold to big companies like Purina to put in pet foods, dog foods and various other products. Now, and I can't put a number on this, but it's the vast majority of their product goes out on rail, with the largest consumers of their product can only receive the product by rail. Now rail loss to them would mean an extra \$500,000 operation costs. And this place employs 15 people. That doesn't sound like a lot of people and if you've ever seen this place, it's a big place, so 15 people running this mill, they're doing a heck of a job to earn their money and they don't need this strike against them. They already have worked hard enough for their money, okay? Coincidentally, Tater Meal is located right next to our rail intermodal depot which, for those of you up home as we were watching the windmill products go up on Mars Hill Mountain, everybody would drive by this intermodal depot because this is where all of the parts came in for the windmills, shy of the blades which had to come in on special trucks with special trailers because they were too long for the railcars for the twists on the trail up to Presque Isle. We have future wind products that are just waiting to see what's going to happen with the rail. If we don't have the rail, we don't get the projects. They'll go somewhere else, okay? Now that's my spiel on one industry, actually two, and that's all I'm going to talk about, the loss of jobs and business, okay? We've talked about it a lot out in the hall. If I haven't convinced you yet, there's nothing that I'm going to say or have said just now that will convince you.

So what I want to talk about is the effect on the people that are in northern Maine, in Aroostook County and one aspect of the rail closure that's going to hit everybody, whether they're working for one of these 20 businesses or not, and it's actually the cost of just surviving and keeping warm, okay? This also leads into operation costs for a lot of companies up there as well because they use these products. What I want to talk about is heating oil and liquid propane. Now I have some figures for you here, okay? In 2008, the heating oil that was transported up into Aroostook County, in 2008 there was 340 carloads of heating oil. At 25,000 gallons per carload, that's about 8,500,000 gallons of heating oil. In 2009, and I got these figures from someone from MMA that I will not say their name because I promised, they gave me this information, I will not tell you who their name was, but this does come from MMA. In 2009, 249 carloads equaling 6,225,000 gallons. Now you notice a disparity there between the two years and there's a disparity there of about 91 carloads. I said, what is the reason for the difference in those carloads because I can tell you, 2009 and 2008, were equally as cold a winter, they were pretty much equal. So the demand, if it wasn't greater, it was about the same. He told me it was service issues. I asked him what service issues meant and he did not want to get into what service issues meant. He said you can interpret that any way you'd like, okay? Now that takes care of the heating oil.

Now liquid propane, which the primary way this gets into the county is by rail. In 2009, liquid propane loads were 89 carloads, at 28,000 gallons per carload equaling 2,492,000 gallons. Now there are industries up home, businesses up home that run equipment solely on liquid propane. Restaurants run solely on liquid propane. A friend of mine is the manager of the largest heating distributing company in the county. This is the guy that purchases the heating oil and the propane, and I asked him, if you can't get your propane by rail, how does it get up here? He said, we have to bring it up on truck, but we prefer not to because it increased the shipping costs by over twice the amount. That's double. And where does that get passed on? It gets passed on to the consumers. Where I want to touch on the consumers is if you ever watch on the news, sometimes they'll give you a heating oil report that let's you know what heating oil is at, at any time of the week. Normally you'll notice northern Maine, let's take now, for instance, I just purchased some yesterday at \$2.89 a gallon. I think that somewhere down south it's closer to \$2.39 or \$2.49. I may be wrong, someone can correct me. Now I asked him what that 40 to 50 cent spread, I said, what would that be, I said, if you had to ship the oil up home by truck? He said you would look at \$1 or greater. Now that's something that affects everybody. So that was my two bits and I would ask you all to help us in Aroostook County. We don't ask for help much, okay, and when we do ask for it, we mean it. We really need it and I'd really like to have those of you that gave me that pat on the back, take the pat on the back and hit the right button and follow my light. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I was going to talk tonight a little bit about the rail line in Aroostook County, but I'd just be echoing the remarks of my colleagues. So I'd like to talk a little bit about southwestern Maine. The southwestern Maine restoration of the Mountain Division rail line would also help spur growth in an area badly in need of economic development. Despite being in Portland's backyard, this area of Maine, often referred to as the Route 113 Corridor, has not shared in the Portland metropolitan area's prosperity. In addition to the immediate benefit of construction jobs, the long-term benefit of new railroad jobs, the rock and gravel industry, the bottled water industry, the cement industry, Harkem Steel in Fryeburg, and a new wood pellet mill would all see reductions in the transportation costs of their goods as a result of this project. This would also increase their bottom-line and put them in a position for economic growth, including new good paying jobs. Standish, Baldwin, Hiram, Brownfield, Fryeburg, the Route 113 Corridor Committee, the Baldwin Business Association, all support this project. The project would also increase economic activity associated with tourism along the Route 113 Corridor that generally parallels most of the rail line. Freight service would remove 22,000 annual truck trips from Route 133, Route 25, Route 35, Route 302 and River Road, which runs from Windham to Westbrook. It is also projected to remove 55,000 trucks within five to ten years from these roads and, in particular, would help relieve severe bottlenecks within Gorham and Westbrook. I don't need to tell you that Maine roads are badly in need of repair. The \$34 million worth of highway improvements in this package would support 750 good paying jobs in Maine's hard hit construction industry. One hundred percent of this money will be awarded to private construction companies who would provide all the good paying jobs associated with this money. That's right; one hundred percent of the money goes to private industry with this bond package. This means construction companies like Grondin

and Shaw Brothers in Gorham, Pike in Westbrook, and many other construction companies around our state will be awarded contracts to reconstruct our roads. Nearly 50 miles of roads could be reconstructed with these funds. The roads and rails of Maine's transportation infrastructure are vital arteries through which the lifeblood of our economy flows. For too long we've neglected them, allowed them to slow and clog, choking off Maine's businesses through higher transportation costs. It's past time to reopen these arteries, stimulating the free flow of commerce and travel around Maine. I hope, Ladies and Gentlemen of the House, that you'll follow my light and support this package. Thank you.

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

Representative **PERRY**: Thank you, Madam Speaker. I rise to take a look at what this means for the state. We talk about the fact that there is a time to invest or we're going to pay one way or another. We are borrowing and that is about debt, but if we don't borrow, we are going to pay in another manner. For every job lost, we pay unemployment, we pay food stamps, we pay for the insurance that the people lose, we pay for retraining for the job. We will pay if we don't keep the jobs now. Also, we will lose revenue because those incomes and the money spent in those businesses will not be coming into the state. We will pay. I would rather pay by keeping people working, by not having to stress our social service system and by repairing the roads we're going to have to repair anyway. Shall we do it now when we can actually save money because we will not be spending more on lost jobs, or do we wait until we are so far down we won't have the resources to do it? I ask that you vote now for this investment because this is what it is and now is the time to do it.

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

Representative **BLANCHARD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. What I would have said this morning had I been here, I will not repeat because most of these words have been said, but I must relate to you that it's not only Aroostook County that's going to feel the blunt of the rails. Penobscot County, especially my town, has a mill that's been fighting for five years to keep on going. It seemed to have turned. I think that was the lady, she told me she was going to call me the minute I stood up. Every time that I was doing any speaking, she always is sitting beside me, she's always handing me this note that said "KISS" on it. So I used to have to translate it and I've come to find out it meant "Keep it Short Stupid", so that's basically what I'm going to try to do.

What I want to speak about, my town and my mill that you people have heard me speak about for four to five years now. We turned the corner, we're starting to think about making bio fuels. But the problem is the best product to make bio fuels is a hardwood maple and that comes from Aroostook County. It's cut in Aroostook County and it's chipped. It is loaded on to rail in Portage, Maine, and it comes to LaGrange, and when it gets in LaGrange, it is loaded on the trucks and brought back to the mill in Old Town so the mill can continue running. We are proud now in Old Town. We went from 55 to 60 people that were just walking around on the streets hoping that they would have a mill. We are now over 200 people and we're looking to make it 500 if things keep on moving. I ask you again like I've asked you before, let's keep the jobs in Maine. We preach jobs all the time. Let's keep what we have and see if we can develop more. Thank you, Madam Speaker.

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

Representative **GILBERT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I don't live in Aroostook County, but in Jay we're living through another paper mill closing. I represent the papermaking town of Jay and come from a family of papermakers, and I know the importance of the paper industry to the State of Maine. I will not turn my back on any papermaker, whether they work at Verso, Domtar, Sappi or Fraser. I support this bill to protect all paper mill jobs in Maine.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I want to look at this issue from a broader perspective as I encourage all members to vote for the pending motion. You often hear that state spending should be like a business, that we should run the state like a business, and I see it in a different perspective. We should run it like a household and the state spending and investing should be looked at the way that we manage a household. We should manage our expenses. We do that in a household, we all do it here in the state. In the eight years I've been here, we've cut the budget 5 percent every year, sometimes even more. We should pay our bills. I do that at home and we've done that here. We've paid our current bills, we've also paid some that were past due when I first came in. In addition, we should also invest in infrastructure. I have borrowed money to buy a home, re-shingle a roof, and to get braces for my kid's teeth. I've also borrowed money to plan for the future, for my kid's college education. I'm also putting away money for my own retirement. It's about balance. On the household you balance your income with your expenses. For the state, we balance our revenues with the services that we provide. In both, we make tough decisions. I've been making tough decisions the eight years I've been here and I know all of you have been for the time that you've served. We have paid our bills, it is appropriate. It is right that we balance that with investing in infrastructure for the state and to thoughtfully plan for the future. The bond issue encompassed in this bill does exactly that and I would encourage members to vote for the pending motion. Thank you.

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

Representative **EBERLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. We have heard very compelling stories from individual portions of our state, from people who will be directly affected if we do not pass this bond package. But the overall picture, the big picture is that the positive economic cumulative effect is dramatically exponential. Our voters have consistently demonstrated that they support bond issues. Let's don't leave millions of dollars on the table, let's don't deny the citizens their opportunity to vote for these improvements, and in the end, we will all as a state, through environmental and infrastructure improvements, we will preserve and protect the Maine that has brought us all here to live and to work, to raise our families and to prosper. Thank you, Madam Speaker.

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. Every week I drive down from Presque Isle to Augusta, it's about a four hour drive. Yesterday morning a few people left Presque Isle at 4 o'clock to be here for 8 o'clock in order to talk with you about the importance of the bond issue that we're facing tonight. It's a four hour drive. We're accustomed to getting up early and leaving and making that long drive. Ladies and Gentlemen, if we

don't do the right thing with this bond package tonight, it is going to be a very, very long drive back to Aroostook County tomorrow because we don't have a knight on a white horse waiting to come to our rescue. What we're able to do from an economical development perspective in the county, we do as much as we possibly can ourselves. We have great partnerships between private business and public entities. We don't have a critical mass, but we have people who are energized and wanting things to happen. But sometimes, it's a bigger project than we can handle ourselves like hundreds of miles of railroad track. So I ask you please consider that we are doing a lot of good things in Aroostook County, but we're challenged by geography and a small group of people that we are in order to have the quality of life that everybody there is entitled to and would like to keep. So I ask you to please give all due consideration to assisting us in this infrastructure need that is critical for our business community and for the quality of life of our citizens. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Phippsburg, Representative Percy.

Representative PERCY: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. One of the highlights and most important parts of being here for the last eight years is the relationships that have been developed between people who live in the inner parts of Maine and people who live on the coast, and that's always my theme. How do we bring the fishermen and the farmers together? How do we bring urban Representatives and country Representatives together? And I consider myself a coastal country Representative, and I am so grateful because the working waterfront amendment would have never passed without the help of people like Representative Joy and Representative Davis. All of that happened because the inland Representatives came and worked with the coastal people, and so I hope that we can all send these bond questions to our constituents and they will say, thank you for letting them be the ones to vote on these very, very important pieces that will help not only northern Maine and western Maine and southern Maine and eastern Maine, but every single person. Thank you.

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

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 369

YEA - Adams, Ayotte, Beaudette, Beaudoin, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Austin, Beaulieu, Browne W, Burns, Cebra, Celli, Chase, Cotta, Crafts, Cray, Curtis, Cushing, Davis, Edgecomb, Finch, Fitts, Fletcher, Flood, Fossil, Gifford, Giles, Greeley, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Piotti, Plummer, Prescott, Richardson D, Richardson W,

Robinson, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Crockett J, Rosen.

Yes, 97; No, 52; Absent, 2; Excused, 0.

97 having voted in the affirmative and 52 voted in the negative, with 2 being absent, and accordingly the Bond Issue **FAILED PASSAGE TO BE ENACTED.**

On motion of Representative PIOTTI of Unity, the House **RECONSIDERED** its action whereby the Bond Issue **FAILED PASSAGE TO BE ENACTED.**

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

Emergency Measure

An Act To Amend the Laws Governing the Election of Androscoggin County Commissioner District Budget Committee Members

(S.P. 747) (L.D. 1832)

(S. "B" S-531)

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. 142 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

At this point the Speaker recognized all members who have served as Speaker Pro Tem during the 124th Legislature.

The SPEAKER: We have a small gift for all of the members who served as Speaker Pro Tem. They all did a tremendous job. Many are not going to come back here who served as Speaker, and we will miss them all greatly. One of my favorite people up here was the Representative from Gray, Representative Austin. We've got a gavel for her. Would she come up? The next is the Representative from Biddeford, Representative Beaudette, who served as Speaker March 11th. The Representative from Vassalboro, Representative Browne, February 23, 2010. A shy and retiring guy, my friend the Representative from Newfield, Representative Campbell. While I'm down here, the Representative from Crystal, Representative Joy. The Representative from Waterford, Representative Millett. The Representative from Scarborough, Representative Pendleton. The Representative from Phippsburg, Representative Percy. The Representative from Calais, Representative Perry. The Representative from Bremen, Representative Pieh. We also have Franco-American Day, the Representative from Eddington, Representative Pratt. The Representative from Wilton, Representative Saviello. The Representative from Monmouth, Representative Smith. Somebody who has always kept me on my toes, the Representative from Harrison, Representative Sykes. The Representative from Bath, Representative Watson. My good friend, the Representative from Newport, Representative Tardy. And last but not least, the Representative from Unity, Representative Piotti.

At this point, the House performed the Ceremony of Lights.

The SPEAKER: At this time, the House will proceed with the traditional Ceremony of Lights. The Clerk will call the names of members who will not be returning. As your name is called, please vote green.

The CLERK: The Representative from Ellsworth, Representative Brian D. Langley, 2 years of legislative service; the Representative from Augusta, Representative Patsy Crockett, 4 years of service; the Representative from Belfast, Representative Jayne Crosby Giles, 4 years of service; the Representative from York, Representative Dawn Hill, 4 years of service; the Representative from Chapman, Representative Patricia B. Sutherland, 4 years of service; the Representative from Winterport, Representative Michael D. Thibodeau, 4 years of service; the Representative from Portland, Representative Charles W. Harlow, 6 years of service; the Representative from Lexington Township, Representative Wright H. Pinkham, Sr., 6 years of service; the Representative from Raymond, Representative John C. Robinson, 6 years of service; the Representative from Blue Hill, Representative James M. Schatz, 6 years of service; the Representative from Ripley, Representative Douglas A. Thomas, 6 years of service; the Representative from Biddeford, Representative Stephen R. Beaudette, 7 years of service; the Representative from Gray, Representative Susan M. W. Austin, 8 years of service; the Representative from Vassalboro, Representative William P. Browne, 8 years of service; the Representative from Newfield, Representative James J. Campbell, Sr., 8 years of service; the Representative from Fairfield, Representative Edward D. Finch, 8 years of service; the Representative from Winslow, Representative Kenneth C. Fletcher, 8 years of service; the Representative from Levant, Representative Christian D. Greeley, 8 years of service; the Representative from Eliot, Representative Sarah O. Lewin, 8 years of service; the Representative from Phippsburg, Representative Leila J. Percy, 8 years of service; the Representative from Calais, Representative Anne C. Perry, 8 years of service; the Representative from Bremen, Representative Wendy Pieh, 8 years of service; the Representative from Unity, Representative John F. Piotti, 8 years of service; the Representative from Wilton, Representative Thomas B. Saviello, 8 years of service; the Representative from Monmouth, Representative Nancy E. Smith, 8 years of service; the Representative from Harrison, Representative Richard M. Sykes, 8 years of service; the Representative from Newport, Representative Joshua A. Tardy, 8 years of service; the Representative from Bath, Representative Thomas R. Watson, 8 years of service; the Representative from Kittery, Representative Walter A. Wheeler, Sr., 8 years of service; the Representative from Scarborough, Representative Peggy A. Pendleton, 10 years of service in the House and 4 years in the Senate; the Representative from Waterford, Representative H. Sawin Millett, Jr., 12 years of service; the Representative from Portland, Representative Herbert C. Adams, 16 years of service; the Representative from Crystal, Representative Henry L. Joy, 16 years of service; and the Representative from North Haven, Speaker Hannah M. Pingree, 8 years of service.

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

Representative BERRY: Thank you, Madam Speaker. Each of those whose light we just saw on the board received a gift from Don Simoneau, and I just want to acknowledge his gift. He took it on himself to manufacture by hand a pocket gavel for each of you. You should have it on your desk in a manila envelope. If

you don't know Don, he spends most of his time before the Legal and Veterans Affairs Committee. He's from Fayette, a member of the Legion Post there and held many offices in the Legion, and I think he's spent more time in this Legislature, perhaps, than many of those who are term limited. Now Don is imposing term limits on himself and will be seen less in the State House over the coming years, and he really wanted to give, as a token of his esteem for your contributions to this Legislature, a pocket gavel to you so that you could take it with you wherever you go, be the chair of your own committee, the master of your own circus, whether you're at camp, on the road or at home. And I want to acknowledge Don because he really has contributed a lot and has, I think, been a good example of the very true statement that this is the people's house. I want to thank Don for his service to the Legion; he's done a lot for veterans, for children and for this contribution today. You'll find the pocket gavel engraved with the numbers 124 on the end. I hope you keep it with you wherever you go. Thank you.

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

An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election and November 2010 Election
(H.P. 1313) (L.D. 1826)
(S. "G" S-529 to C. "A" H-830)

Which was **TABLED** by Representative PIOTTI of Unity pending **PASSAGE TO BE ENACTED**.

Representative CURTIS of Madison **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative HAYES: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have one brief comment to make before we vote on this matter. It's a question that I would like you to answer for yourselves possibly before choosing the light that you want, the button. If Maine's voters are savvy and sophisticated enough to vote on detailed tax policy, they certainly are savvy enough to decide whether they want to borrow money for the infrastructure improvements that are included in this bond package, and I would urge you to give them that opportunity. Frankly, they know whether it's their money. Let them decide. We don't need to be their gatekeepers, and I wanted to make that point before our final vote. Thank you.

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

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 370

YEA - Adams, Ayotte, Beaudette, Beaudoin, Beck, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Celli, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Finch, Flaherty, Flemings, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Lajoie, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Pratt, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Stuckey, Sutherland, Theriault,

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

NAY - Austin, Beaulieu, Browne W, Burns, Cebra, Chase, Cotta, Crafts, Cray, Curtis, Cushing, Davis, Edgecomb, Fitts, Fletcher, Flood, Fossil, Gifford, Giles, Hamper, Harvell, Johnson, Joy, Knapp, Knight, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Strang Burgess, Sykes, Tardy, Thibodeau, Thomas, Tilton, Weaver.

ABSENT - Crockett J, Greeley, Rosen.
Yes, 100; No, 48; Absent, 3; Excused, 0.

100 having voted in the affirmative and 48 voted in the negative, with 3 being absent, and accordingly the Bond Issue was **PASSAGE TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-495)** on Bill "An Act To Protect Maine Workers" (S.P. 593) (L.D. 1545)

Signed:

Senators:

JACKSON of Aroostook
GERZOFKY of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-496)** on same Bill.

Signed:

Senator:

MILLS of Somerset

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY**

COMMITTEE AMENDMENT "A" (S-495) AS AMENDED BY SENATE AMENDMENT "A" (S-536) thereto.

READ.

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

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

Representative TUTTLE: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. As we can see from the report from the other body, there has been a Senate Amendment offered that has brought both sides together on this issue with unanimous agreement, so I would ask that we would move forward with the Ought to Pass Report, Madam Speaker.

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

The Bill was **READ ONCE.** **Committee Amendment "A" (S-495)** was **READ** by the Clerk.

Senate Amendment "A" (S-536) to **Committee Amendment "A" (S-495)**, was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (S-495) as Amended by Senate Amendment "A" (S-536) 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" (S-495) as Amended by Senate Amendment "A" (S-536)** thereto in concurrence. **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

An Act Regarding Mental Health Treatment (EMERGENCY) (S.P. 495) (L.D. 1360) (S. "A" S-517 and S. "B" S-520 to C. "A" S-512)

PASSED TO BE ENACTED in the House on April 7, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-512) AS AMENDED BY SENATE AMENDMENTS "A" (S-517), "B" (S-520) AND "C" (S-534)** thereto in **NON-CONCURRENCE.**

Representative PINGREE of North Haven moved that the House **RECEDE AND CONCUR.**

Representative PETERSON of Rumford **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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

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

Representative BERRY: Thank you, Madam Speaker. I believe that there was a roll call that was going to be requested on the next motion, Passage to be Enacted.

The SPEAKER: A roll call is in order unless it is withdrawn. The Chair recognizes the Representative from Rumford, Representative Peterson.

Representative PETERSON: Thank you, Madam Speaker. I request to withdraw my previous motion.

Subsequently, Representative PETERSON of Rumford **WITHDREW** his **REQUEST** for a roll call.

The SPEAKER: The Representative from Rumford, Representative Peterson, has withdrawn his request for a roll call. By unanimous consent, hearing no objection, it is so ordered. The Chair recognizes the Representative from Cape Elizabeth, Representative Dill.

Representative **DILL**: Thank you, Madam Speaker. I will defer.

Subsequently, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

The **SPEAKER**: The Chair recognizes the Representative from Unity, Representative Piotti, who wishes to address the House on the record.

Representative **PIOTTI**: Thank you, Madam Speaker. Before you put us at rest, there is one other item of business that we need to get to if this would be an appropriate time. Of course, you don't know what the other item of business is, but trust me. It is a tradition in this body to present a small token in thanks to the Speaker for all that, in this case, she has done for us. This is a joint effort of every single person in this chamber. And with that, I believe members of chamber staff are poised in position to come into the chamber with a small token of our affection.

**ENACTORS
Acts**

An Act To Protect Maine Workers

(S.P. 593) (L.D. 1545)
(S. "A" S-536 to C. "A" S-495)

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

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 just would like to express my appreciation to the chair of Labor and those who worked diligently to resolve this problem. It, I think, is a tribute to the leadership we had this year that we were able to resolve many problems, and I thank the sponsor for his effort in coordinating on some of the matters. So thank you all.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House. I also want to thank the industry and the landowners for coming together from last Friday and meeting with us, who participated in the work effort. I am firmly convinced that the proposal that they initially proposed to us, which we changed a little bit, if that works, I don't believe that we'll have an issue in the Maine Woods for a long time because this provides an opportunity for every qualified Maine worker who's capable of working in the woods, go through a process, be certified and not be denied a job. So I really think that this is a big step forward for the industry in Maine.

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

Representative **WATSON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. For those of you who shared my concerns, I'm very pleased and I hope to assure you that this bill has nothing to do with Tree Growth. Tree Growth is out of this picture entirely. It's now a good, clean labor fix to a labor problem. Thank you, Madam Speaker.

PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

ORDERS

On motion of Representative **MARTIN** of Eagle Lake, the following Joint Order: (H.P. 1328)

ORDERED, the Senate concurring, that Bill, "An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry," H.P. 1094, L.D. 1552, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and PASSED.

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

**ENACTORS
Emergency Measure**

An Act Regarding Mental Health Treatment

(S.P. 495) (L.D. 1360)

(S. "A" S-517, S. "B" S-520 and S. "C" S-534 to C. "A" S-512)
Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative **PETERSON** of Rumford **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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

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

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Just to give an understanding of why we're voting on this emergency measure again. This is the mental health treatment bill that we went through before. It was changed in Appropriations to allow the savings to stay in the Judiciary budget, so the amendment brought it back here so that we had to pass it again by emergency, and I would ask that we vote for this emergency. The emergency allows the Progressive Treatment Program to continue without interruption. The reason for the emergency is to ensure that continuance without a break in the program.

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.

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

ROLL CALL NO. 371

YEA - Adams, Austin, Ayotte, Beaudette, Beaudoin, Beaulieu, Berry, Bickford, Blanchard, Blodgett, Boland, Briggs, Browne W, Burns, Cain, Campbell, Carey, Casavant, Cebra, Celli, Chase, Clark H, Clark T, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Duchesne, Eaton, Eberle, Edgcomb, Finch, Fitts, Flemings, Fletcher, Flood, Fossil, Gifford, Giles, Hamper, Hanley, Haskell, Hill, Hogan, Hunt, Johnson, Joy, Kaenrath, Kent, Knapp, Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Perry, Pieh, Pilon, Pinkham, Piotti, Plummer, Pratt, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Beck, Bolduc, Bryant, Butterfield, Cleary, Crockett J, Driscoll, Eves, Flaherty, Gilbert, Goode, Harlow, Harvell, Hayes, Hinck, Innes Walsh, Jones, Martin JR, Miller, Percy, Peterson, Rotundo, Stuckey, Treat, Wagner R, Watson.

ABSENT - Greeley, Rosen.

Yes, 123; No, 26; Absent, 2; Excused, 0.

123 having voted in the affirmative and 26 voted in the negative, with 2 being absent, and accordingly the Bill was

PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

SENATE PAPERS
Non-Concurrent Matter

An Act To Amend the Tax Laws
(H.P. 1084) (L.D. 1540)
(S. "A" S-514 to C. "A" H-754)

PASSED TO BE ENACTED in the House on April 6, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-754) AS AMENDED BY SENATE AMENDMENT "B" (S-538)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Establish a Residential Wood Stove Replacement Fund

(H.P. 1113) (L.D. 1575)
(C. "A" H-642)

PASSED TO BE ENACTED in the House on March 4, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642) AS AMENDED BY SENATE AMENDMENT "A" (S-539)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Amend the Unemployment Compensation Laws Regarding Vacation Pay

(H.P. 1154) (L.D. 1626)
(C. "A" H-648)

PASSED TO BE ENACTED in the House on March 16, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-648) AS AMENDED BY SENATE AMENDMENT "A" (S-540)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Regarding Biofuel in Number 2 Heating Oil

(H.P. 1160) (L.D. 1632)
(C. "A" H-690)

PASSED TO BE ENACTED in the House on March 18, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-690) AS AMENDED BY SENATE AMENDMENT "A" (S-541)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Protect Retirement Income (EMERGENCY)

(S.P. 683) (L.D. 1776)
(C. "A" S-405)

PASSED TO BE ENACTED in the House on March 22, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-405) AS AMENDED BY SENATE AMENDMENT "A" (S-542)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Remove the Sales Tax on Certain Watercraft
(H.P. 473) (L.D. 659)
(C. "B" H-597)

PASSED TO BE ENACTED in the House on February 11, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-597) AS AMENDED BY SENATE AMENDMENT "A" (S-544)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act Concerning Certain MaineCare Rules Regarding Services Provided through the Child Development Services System and School Administrative Units (EMERGENCY)

(S.P. 707) (L.D. 1804)
(C. "A" S-497)

PASSED TO BE ENACTED in the House on March 31, 2010.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497) AS AMENDED BY SENATE AMENDMENT "A" (S-543)** thereto in **NON-CONCURRENCE**.

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

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

After Midnight

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1328 on April 7, 2010)

An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry

(H.P. 1094) (L.D. 1552)
(C. "A" H-738; H. "B" H-779)

- In House, **PASSED TO BE ENACTED** on March 26, 2010.

- In Senate, **PASSED TO BE ENACTED** on March 26, 2010.

On motion of Representative WATSON of Bath, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On further motion of the same Representative, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

ENACTORS

Acts

An Act To Amend the Tax Laws

(H.P. 1084) (L.D. 1540)
(S. "B" S-538 to C. "A" H-754)

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.

Acts

An Act To Establish a Residential Wood Stove Replacement Fund

(H.P. 1113) (L.D. 1575)
(S. "A" S-539 to C. "A" H-642)

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.

Acts

An Act To Amend the Unemployment Compensation Laws Regarding Vacation Pay

(H.P. 1154) (L.D. 1626)
(S. "A" S-540 to C. "A" H-648)

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, Regarding Biofuel in Number 2 Heating Oil

(H.P. 1160) (L.D. 1632)
(S. "A" S-541 to C. "A" H-690)

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

Emergency Measure

An Act To Protect Retirement Income

(S.P. 683) (L.D. 1776)
(S. "A" S-542 to C. "A" S-405)

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. 147 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Reduce the Sales Tax on Certain Watercraft

(H.P. 473) (L.D. 659)
(S. "A" S-544 to C. "B" H-597)

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.

Emergency Measure

An Act Concerning Certain MaineCare Rules Regarding Services Provided through the Child Development Services System and School Administrative Units

(S.P. 707) (L.D. 1804)
(S. "A" S-543 to C. "A" S-497)

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. 142 voted in favor of the same and 1 against, 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**.

SENATE PAPERS

The following Joint Order: (S.P. 748)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, April 12, 2010. The Senate will convene at 10:00 in the morning and the House at 1:00 in the afternoon.

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

On motion of Representative VAN WIE of New Gloucester, the House adjourned at 12:40 a.m., until 1:00 p.m., Monday, April 12, 2010 pursuant to the Joint Order (S.P. 748).