

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record
House of Representatives
One Hundred and Twentieth Legislature
State of Maine

Volume II

First Regular Session

May 18, 2001 – June 22, 2001

Second Regular Session

January 2, 2002 – March 6, 2002

Pages 890-1770

ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
57th Legislative Day
Friday, May 25, 2001

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

Prayer by Reverend J. John Keggi, St. Mark's Episcopal Church, Augusta.

National Anthem by Sand-LLLS, Freedom.

Pledge of Allegiance.

Doctor of the day, Laurel M. Coleman, M.D., Manchester.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Amend Maine Credit Laws"

(H.P. 1276) (L.D. 1736)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BANKING AND INSURANCE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-274)** in the House on May 9, 2001.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BANKING AND INSURANCE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-275)** in **NON-CONCURRENCE**.

On motion of Representative O'NEIL of Saco, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Resolve, to Establish the Commission to Study Ways to Eliminate Cigarette Litter in Maine (EMERGENCY)

(H.P. 1314) (L.D. 1778)

Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in the House on May 23, 2001.

Came from the Senate with the Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-549)** in **NON-CONCURRENCE**.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (S.C. 316)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

May 24, 2001

The Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today Adhered to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Legal and Veterans Affairs on Bill, "An Act to Allow Beverage Sales from Mobile Service Vehicles on Golf Courses." (S.P. 35) (L.D. 133)

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative FULLER of Manchester, the following House Order: (H.O. 31)

ORDERED, that Representative Christina L. Baker of Bangor be excused Monday, May 14th, Tuesday, May 15th, Wednesday, May 16th, Thursday, May 17th, Friday, May 18th and Tuesday, May 22nd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Susan M. Hawes of Standish be excused Monday, May 21st for health reasons.

AND BE IT FURTHER ORDERED, that Representative Sally Landry of Patten be excused Monday, May 21st for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Glenys P. Lovett of Scarborough be excused Thursday, May 17th and Friday, May 18th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lisa T. Marraché of Waterville be excused Friday, May 18th, Monday, May 21st, Tuesday, May 22nd, Wednesday, May 23rd and Thursday, May 24th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John R. Morrison of Baileyville be excused Wednesday, May 16th, for personal reasons and Wednesday, May 23rd for Legislative business.

AND BE IT FURTHER ORDERED, that Representative Julie Ann O'Brien of Augusta be excused Wednesday, May 16th and Thursday, May 17th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Jonathan Thomas of Orono be excused Thursday, May 10th for personal reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Resolve, to Enhance Economic Development in Eastern Maine (EMERGENCY)

(S.P. 286) (L.D. 997)

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

MORRISON of Baileyville

DUPREY of Hampden

CLOUGH of Scarborough

DORR of Camden

MURPHY of Kennebunk

MICHAUD of Fort Kent

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

Signed:

Senators:

YOUNGBLOOD of Penobscot
SHOREY of Washington
Representatives:

THOMAS of Orono
HATCH of Skowhegan
RICHARDSON of Brunswick
BRYANT of Dixfield

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

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act to Require a License to Sell Firearms"

(S.P. 141) (L.D. 464)

Signed:

Senators:

McALEVEY of York
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
TOBIN of Dexter
PEAVEY of Woolwich
SNOWE-MELLO of Poland
WHEELER of Bridgewater

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-97)** on same Bill.

Signed:

Senator:

O'GARA of Cumberland

Representatives:

O'BRIEN of Lewiston
BLANCHETTE of Bangor
QUINT of Portland
GERZOFISKY of Brunswick
MITCHELL of Vassalboro

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

READ.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-226)** on Bill "An Act to Increase Access to Unemployment Compensation for School Bus Drivers"

(S.P. 473) (L.D. 1537)

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

BUNKER of Kossuth Township
MATTHEWS of Winslow

HUTTON of Bowdoinham
NORTON of Bangor
SMITH of Van Buren
TARAZEWICH of Waterboro

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

Signed:

Senators:

TURNER of Cumberland
SAWYER of Penobscot

Representatives:

TREADWELL of Carmel
MacDOUGALL of North Berwick
DAVIS of Falmouth
CRESSEY of Baldwin

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

READ.

On motion of Representative BUNKER of Kossuth Township, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-167)** on Bill "An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda" (EMERGENCY)

(S.P. 231) (L.D. 796)

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
KASPRZAK of Newport
MURPHY of Berwick
CHASE of Levant
HASKELL of Milford
CRESSEY of Baldwin

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

Signed:

Senators:

PENDLETON of Cumberland
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan

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-167)**.

READ.

Representative McDONOUGH of Portland moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass pursuant to Joint Order (S.P. 586)** on Bill "An Act to Amend the Clean Car Incentives Pilot Program"

(S.P. 629) (L.D. 1813)

Signed:

Senators:

MARTIN of Aroostook
SAWYER of Penobscot

Representatives:

KOFFMAN of Bar Harbor
COWGER of Hallowell
DUPLESSIE of Westbrook
TWOMEY of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-251) pursuant to Joint Order (S.P. 586)** on same Bill.

Signed:

Representatives:

ANNIS of Dover-Foxcroft
TOBIN of Windham
DAIGLE of Arundel
CRABTREE of Hope

Came from the Senate with the Majority **OUGHT TO PASS PURSUANT TO JOINT ORDER (S.P. 586)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

On motion of Representative COWGER of Hallowell, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** in concurrence.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-606)** on Resolve, to Create the Commission to Study Privacy Laws (**EMERGENCY**)

(H.P. 672) (L.D. 872)

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton
BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
MUSE of South Portland
SIMPSON of Auburn
MADORE of Augusta
MENDROS of Lewiston

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

Signed:

Representatives:

WATERHOUSE of Bridgton

SHERMAN of Hodgdon

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-606)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-606)** and sent for concurrence.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-605)** on Bill "An Act to Exclude Credit Balances Between Business Associations from Unclaimed Property"

(H.P. 1088) (L.D. 1457)

Signed:

Senators:

McALEVEY of York
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton
JACOBS of Turner
MUSE of South Portland
MADORE of Augusta
WATERHOUSE of Bridgton
SHERMAN of Hodgdon
MENDROS of Lewiston

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

Signed:

Senator:

RAND of Cumberland

Representatives:

BULL of Freeport
MITCHELL of Vassalboro
SIMPSON of Auburn

READ.

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

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass pursuant to Joint Order (H.P. 1332)** on Bill "An Act Regarding the Use of Tokens or Tickets for Games of Chance at Agricultural Fairs" (**EMERGENCY**)

(H.P. 1359) (L.D. 1814)

Signed:

Senators:

BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
O'BRIEN of Lewiston
PATRICK of Rumford
MAYO of Bath

Minority Report of the same Committee reporting **Ought to Pass pursuant to Joint Order (H.P. 1332)** on same Bill.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

LABRECQUE of Gorham

TUTTLE of Sanford

HEIDRICH of Oxford

DUNCAN of Presque Isle

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Minority **Ought to Pass** Report.

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

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a 2/3 Vote for the Maine Government Facilities Authority to Issue Securities

(H.P. 1298) (L.D. 1767)

Signed:

Senators:

GOLDTHWAIT of Hancock

CATHCART of Penobscot

Representatives:

BERRY of Livermore

MAILHOT of Lewiston

TESSIER of Fairfield

BRANNIGAN of Portland

ETNIER of Harpswell

JONES of Greenville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-566)** on same RESOLUTION.

Signed:

Senator:

MILLS of Somerset

Representatives:

NASS of Acton

WINSOR of Norway

BELANGER of Caribou

ROSEN of Bucksport

READ.

On motion of Representative BERRY of Livermore, the Resolution and all accompanying papers were **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and sent for concurrence.

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

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-569)** on Bill "An Act to Encourage Greater Acquisition, Deployment and Use of Automated External Defibrillators"

(H.P. 1069) (L.D. 1432)

Signed:

Senators:

McALEVEY of York

O'GARA of Cumberland

DAVIS of Piscataquis

Representatives:

BLANCHETTE of Bangor

TOBIN of Dexter

QUINT of Portland

PEAVEY of Woolwich

SNOWE-MELLO of Poland

GERZOFISKY of Brunswick

MITCHELL of Vassalboro

WHEELER of Bridgewater

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

Signed:

Representatives:

POVICH of Ellsworth

O'BRIEN of Lewiston

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-569)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-569)** and sent for concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Clarify Work Search"

(H.P. 671) (L.D. 871)

Signed:

Senators:

EDMONDS of Cumberland

TURNER of Cumberland

SAWYER of Penobscot

Representatives:

BUNKER of Kossuth Township

CRESSEY of Baldwin

DAVIS of Falmouth

MacDOUGALL of North Berwick

TREADWELL of Carmel

NORTON of Bangor

SMITH of Van Buren

TARAZEWICH of Waterboro

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

Signed:

Representatives:

MATTHEWS of Winslow

HUTTON of Bowdoinham

READ.

On motion of Representative BUNKER of Kossuth Township, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-365)** on Bill "An Act to Require that Benefits for Total Disability be Continued During a Period of Vocational Rehabilitation under the Workers' Compensation Act"

(H.P. 883) (L.D. 1175)

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

BUNKER of Kossuth Township

MATTHEWS of Winslow

HUTTON of Bowdoinham

NORTON of Bangor

SMITH of Van Buren

TARAZEWICH of Waterboro

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

Signed:

Senators:

TURNER of Cumberland

SAWYER of Penobscot

Representatives:

TREADWELL of Carmel

DAVIS of Falmouth

MacDOUGALL of North Berwick

CRESSEY of Baldwin

READ.

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-525)** on Bill "An Act to Restore an Injured Employee's Right to Sue an Employer for Damages"

(H.P. 302) (L.D. 380)

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

BUNKER of Kossuth Township

MATTHEWS of Winslow

HUTTON of Bowdoinham

NORTON of Bangor

SMITH of Van Buren

TARAZEWICH of Waterboro

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

Signed:

Senators:

TURNER of Cumberland

SAWYER of Penobscot

Representatives:

TREADWELL of Carmel

CRESSEY of Baldwin

DAVIS of Falmouth

MacDOUGALL of North Berwick

READ.

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-524)** on Bill "An Act to Provide Parity of Representation in Workers' Compensation Claims"

(H.P. 1130) (L.D. 1527)

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

BUNKER of Kossuth Township

MATTHEWS of Winslow

HUTTON of Bowdoinham

NORTON of Bangor

SMITH of Van Buren

TARAZEWICH of Waterboro

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

Signed:

Senators:

TURNER of Cumberland

SAWYER of Penobscot

Representatives:

TREADWELL of Carmel

DAVIS of Falmouth

MacDOUGALL of North Berwick

CRESSEY of Baldwin

READ.

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-591)** on Bill "An Act to Make Active Public Health Investigation Records Confidential"

(H.P. 1027) (L.D. 1384)

Signed:

Senators:

MARTIN of Aroostook

TURNER of Cumberland

Representatives:

FULLER of Manchester

DUDLEY of Portland

LAVERRIERE-BOUCHER of Biddeford

KANE of Saco

LOVETT of Scarborough
NUTTING of Oakland

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

Signed:

Senator:

LONGLEY of Waldo

Representatives:

BROOKS of Winterport

DUGAY of Cherryfield

O'BRIEN of Augusta

SHIELDS of Auburn

READ.

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

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

CONSENT CALENDAR

First Day

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

(H.P. 708) (L.D. 923) Bill "An Act to Require That the Principles for Reimbursement for Private and Nonmedical Institutions and Board and Care Institutions be Major Substantive Rules" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-608)**

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.

(S.P. 575) (L.D. 1753) Bill "An Act Regarding the Treatment of American Indian Tribes Under the Federal Unemployment Tax Act" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-259)**

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

On motion of Representative COLWELL of Gardiner, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ.**

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

UNFINISHED BUSINESS

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

An Act to Conform the State's Financial Services Privacy Laws with Federal Law

(S.P. 521) (L.D. 1640)

(C. "B" S-236)

TABLED – May 24, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – PASSAGE TO BE ENACTED. (Roll Call Ordered)

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I will be brief this morning. I wanted the House to take one last moment to consider this bill before we move forward. This is the opt in/opt out bill and the version of it before us today is opt out and whether or not we are going to enact the opt out part. I just want to share with the House some thoughts I have had over the past few days. We have been dealing with a lot of bills regarding privacy. This House has been very vocal, very passionate in protecting the privacy of many people in the State of Maine from the State of Maine. I am speaking of, "An Act to Allow the Taking of Palm Prints, Footprints and Photographs of a Person Charged with the Commission of a Juvenile Crime." I am talking of, "An Act to Release Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel." I am talking of "An Creating a Pilot Project to Provide Video Camera Surveillance at Intersections in Ellsworth." We have a lot of concerns about privacy, the privacy of people from their government. I think we also ought to consider the importance of an individual's privacy when it comes to their relations with business as well. I ask you to think very carefully, as I know you will, before you vote in favor of enactment. Thank you.

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

Representative **MURPHY**: Mr. Speaker, May I pose a question through the Chair?

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I have listened very closely to this debate over the last few days and also share those privacy concerns. I keep hearing the phrase, financial information. Would someone please tell this House specifically what kinds of information would be conveyed about me as a consumer either because of my savings account, mutual accounts or life insurance? What does financial information mean and how detailed is the information? Thank you.

The **SPEAKER**: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. In answer to the question, I don't have the list in front of me, but it would have to do with anything that appears on an application, name, address, so forth and it strictly prohibited customer account numbers and so forth.

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

Representative **MAYO**: Mr. Speaker, Men and Women of the House. In a further attempt to answer the question of the good Representative from Kennebunk, the following information may be shared with companies outside of the corporate family, information a consumer puts on an application to obtain a loan, credit card or other financial product or service, account balance information, payment history, overdraft history and credit or debit card purchase information and the fact that a consumer is a customer and information from a consumer report. That is all within the family. What kind of information cannot be shared under any circumstance under this is a consumer's unlisted phone number, consumer's account number, health and medical information. That is very important. That was excluded on the federal level.

The **SPEAKER**: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. There was a handout when the volume of information that was passed out over the last week from the

Bureau of Financial and Profession Regulation, which directly addresses the question, posed by the good Representative. They state the following information may be shared with companies outside of the corporate family. The information the consumer puts on an application to obtain a loan, credit card or other financial product or service and these applications or loans can be very, very detailed. Also, account balance information, payment history, overdraft history, any credit or debit card purchase information, so all the information as to what you purchase can be shared. Also, the fact that the consumer is a customer, any information involved in the connection with collecting or servicing a loan or if you have ever been late for several days from the due date. This is all information that will go out because of this bill. Information collected from an Internet cookie can also be shared. Basically there is a huge amount of information that can be shared once the bank has permission to do so. Mr. Speaker, if I may go on?

Ladies and gentlemen of the House, may I also address you as representatives of the people of Maine, because that is our obligation here. Today there is a second opportunity to stop and consider our vote on this opt in/opt out bill. It is characterized as a privacy bill, but opt out is not a privacy bill, it is an invasion of privacy bill because it takes away from the Maine citizen their right to consent to the release of this information. You can very well anticipate just from our own experience with this that there will be a huge amount of people who will not be weary enough to find that little circular and fill out that statement and then mail it out to protect themselves. Many of us would not have done that had not we been deluged with all kinds of information about opt in/opt out. Think of the people who have not had all this information fall upon them. That is the majority of the people of our state. The choice is very clear here. Do we favor the individual rights of our citizens or favor the demands of the banking industry? We have to realize that when we go down and talk to people on the streets, our friends and neighbors, and ask them, as I have, and everyone I have asked what do you want to do? Do you want to wait to catch the notice and return it or do you want to have the right to consent to the release of your information? To a man and a woman, everybody I asked said, not, I want to retain the right to consent and that is what opt in is. You are retaining for our people the right to consent. I ask you to vote against the pending enactment so that the opt in provision can be later enacted. Thank you very much.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. To further answer the question from the Representative from Kennebunk, the information that may be shared includes what you buy and where you buy it. That is particularly chilling to me. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Ladies and Gentlemen of the House. It is scary stuff isn't it, but it is the real world. If we were in Congress and it was 1999, this would be a good debate. We are not and it is not. Graham Leach Bliley was enacted in 1999. It is the federal standard. I will be the first to stand and say, look out folks, because this information is everywhere. We are in an information age when our information is pretty free to roam about. It is not just financial. It is any magazine you subscribe to, you name it. If you get a *Victoria's Secret* catalog, you are probably going to get *Fredrick's of Hollywood* too.

Had I been in Congress in 1999, maybe I would have considered more strongly going the opt in route, but the fact of the matter is we have got a huge body of federally chartered institutions out there that will be under the federal standard. We

all ask that question, whom do we want to represent here? How can we best represent them? You have to ask yourself this, Mr. Speaker, when we, as individuals and our constituents are doing business with a whole host of financial service institutions, some of which are federally chartered, some of which are state chartered and they are operating under different rules is a whole lot more guess work. Wouldn't we rather have one standard with one single check off or 800 number phone call that tells us without a shadow of a doubt where we stand? Look at it in that light. That tells us exactly why, whether we like what they did in 1999, it tells us exactly why the opt out is the way to do it. Thank you.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. If this bill could protect each and every one of us from information being shared, I might be on a different side, but this deals only with financial institutions. All the stores, department stores that offer credit cards, they share your information. They keep track of what you get. Every time you order a phone service, you have the same problem. This really is a small business issue. I have been certainly, in three years, blamed for being anti-business. I would probably tell you that I can stand here and defend this because it makes good business sense. It is the small banks that really act as the engineer and the engine that drives the Maine economy. I hear from all kinds of people that Maine is such a high taxed state. Here is something you can do for your small businesses, the small Maine chartered banks, the credit unions, the groups that are too small to have large corporate affiliates, the insurance company that is really part of the bank, the securities company that is really part of the bank, too small potatoes in Maine. At least let our Maine chartered banks be able to offer our Maine citizens something. This will not protect your privacy if you have a gas credit card or a credit card for any store. Today, we shop on the Internet all the time. There it is people. You are not protected. It is a federal law. Let's let our Maine businesses work on at least a level playing field. Let's vote to enact this and move on and accept the fact that we are in a fast changing world. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Savage.

Representative SAVAGE: Mr. Speaker, Men and Women of the House. The Representative from Saco tells us that this opt out is the federal standard. That is not exactly right. The federal law says that the states can decide. The federal opt out standard, in fact, is less protective than what we already have right now here in the State of Maine.

The proponents of the opt out tell us it is bad, but you will get used to it. The suggestion is you have lost a lot of your privacy already; therefore, you should lose it all. It doesn't make much logical sense to me. We have talked a lot in the last two days about plucking the weeds, the weeds of invasion of privacy. I suggest to you that at this point where we are about to change the presumption of ownership of this very sensitive information from the individual to the financial institution, we are not talking about a weed garden anymore folks, we are talking about a point where the rain forest has gotten beyond our control. This is the time to say no. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bristol, Representative Hall.

Representative HALL: Mr. Speaker, Ladies and Gentlemen of the House. In a week like this, we don't have a lot of contact with our family or friends, but I do try to get home every night around midnight. My only contact with the real world is breakfast at the Bristol Diner. This morning at the Bristol Diner, not knowing this bill was going to come back before us today. I

talked with my group of usual suspects, they were pleased about the fingerprinting bill, but it is not personally relevant to them. What they said this morning is that they care about their own privacy, that of their own financial and other information. On the basis of that conversation, I was thinking about this issue while driving up to Augusta this morning. I was also thinking about a conversation that I had had while being lobbied by the head of one of the federally chartered banks that operates in my district. That federally chartered bank believes that if we pass the opt in provision, it will give the state chartered bank in Maine such a competitive advantage that his federally chartered bank, although not obliged to go with opt in, will have to do so in order to compete. That argument appears to me, Mr. Speaker, to entirely refute the argument of my good friend, the Honorable Representative from Biddeford, Representative Sullivan. The argument that the banking gentleman made to me implied that if Maine becomes known as a veritable Switzerland of privacy, our state chartered banks will have a legitimate competitive advantage. They may be able to attract accounts and funds from outside the state and they will certainly have advantage over those banks that limit themselves to opt out.

It seems to me that there may be very strong, very powerful, economic reasons for us to go with opt in and that opt in may be indeed be a way to promote Maine business. Thank you Mr. Speaker.

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

Representative **QUINT**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **QUINT**: Mr. Speaker, Men and Women of the House. First of all, I want to know if the social security number can be shared? Also, I want to know what the process is for information that is shared incorrectly through all of this process and how many times can this information be shared over and over and over again from different people?

The SPEAKER: The Representative from Portland, Representative Quint has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Ladies and Gentlemen of the House. Social security numbers are not allowed to be shared. The regulatory bodies that exist out there are now, Securities and Exchange Commission, Federal Trade Commission, Maine Bureau of Banking, Office of Securities and so forth would have oversight over their respective entities. To give you an example, Mr. Speaker, of how this whole underworld of information works and it might not be all that specific, but let's say you have an Infinity Credit Card with a credit card company that is federally chartered and they are operating here in Maine. Their Infinity Credit Card is with a large sporting goods store. They would contractually set up this affiliation whereby this information can go back and forth about who their customers are and so forth. Ladies and gentlemen, it is a reality. The bank will know certain things about what kind of fly tying equipment I might buy. In that contractual obligation arrangement the bank would not allow that sporting goods store, let's say it were LL Bean, to sell the list to an Eddie Bauer. This is all done within the standard practice of business. It is all regulated. I hope that answers the question.

The SPEAKER: The Chair recognizes the Representative from Montville, Representative Weston.

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. I really believe this is the first time I have spoken on an issue besides education or farming. I don't have an insurance background, but I just have this one comment

to make. Right now our Secretary of State sells all of our vehicle identification number, name and address and the dealership where we bought our car. The last number I was given several months ago was nearly a \$1 million for that information. If you don't want that to happen, you have to opt out. You have to fill out a card and ask them not to send that information. Are we going to hold private business to a higher standard than our own state government?

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

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. I guess first of all I would like to say that I didn't realize that statute existed, but now that I know it, I think maybe it is something that we can work on.

I have spoken with several people who have received opt out bank notices and who in retrospect said they threw them in the circular file without even bothering to read them. What that means is that by default, they have given banks permission to share certain information about them with other entities. I worry about the implications of opt out for the young fathers and mothers working two jobs, young parents preoccupied with the business of raising families, for the elderly who all of their lives have done business in an altogether different way than Graham Leach Bliley sets forth. I worry they will assume that the opt out documents that they receive are just more junk mail and will simply throw them away.

The opt out proponents argue that consumers who do ignore them can later opt out if they become concerned about the sharing of information. The trouble with that argument is that once the information is out, there is not retrieving it. The opt out proponents argue that the state plans to proactively educate Maine people about the importance of responding to the notices they receive. I hope it works better than the effort made to get the word out on drugs for the elderly. Ever since the program was implemented, the state has been trying to educate consumers about its availability. Despite their efforts, there are still plenty of eligible people out there who haven't availed themselves of the benefits of the program, so I am told.

Opt in opponents have argued that opt in laws will apply only to Maine chartered banks and credit unions. I have contacted officials from the State of Vermont and apparently they didn't know that because their law applies to both federally chartered and Vermont banks.

I have done some research on this issue. My sources say that Vermont has had a law since 1995 prohibiting banks from giving out financial information without the express written consent of the customer. Banks in Vermont will not even reveal if a customer has an account there. You have all heard dire predictions about the consequences for Maine if we support the opt in provision. Well, Vermont is an opt in state and as far as I know, the sky has not fallen on Vermont. In addition to Vermont, the Alaska banking code has forbidden banks from sharing information since before the 1970s and Alaska's law is even more comprehensive than Vermont's and the sky hasn't fallen in on them yet either.

Men and women of the House, I urge you not to be fooled by the scare tactics that have been employed to dissuade you from passing more consumer friendly laws than are contained in Graham Leach Bliley. Graham Leach actually contains a provision permitting states to pass more consumer friendly laws if they so choose. Why in the world would the federal government permit states to do that if they really thought the result would be financial chaos? What are we waiting for? Under the opt in provisions for the banks to be able to share information about your constituents, the bank will need to receive written permission from them. It seems like such a small thing to

do for overworked parents, busy working people and for the elderly, but it can make all the difference in the world in terms of preserving your constituents right to privacy. I think we owe that kind of protection to the people who got us here. I ask you to vote against the pending enactment. Thank you.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I think first of all, a disclaimer that by talking on this bill, I am not indicating in the next Legislature I want to serve on Banking and Insurance. Second disclosure, I have voted no on this bill all the way through because I had a very uncomfortable feeling about this bill. That was reinforced even more the other evening, the last time we voted on this. Up in the balcony it was very dark that evening, but there was a very large crowd up there. I just thought it was a baseball team that was here to get their special sentiment, maybe even big enough for the JVs to be included. After the vote was taken, it heard the noise. I looked up and I saw the high fiving. I saw the celebrating, but Clyde got them under control and ushered them out so the celebration continued out in the hall. I think a statistician would tell any customer, whether it is a magazine company, an insurance company, Fredrick's of Hollywood, which has been brought up on the floor already, that if you require an affirmative act on the part of the consumer, they can tell you precisely what the low percentage is going to be that is going to excise that. I would guess probably that figure is about 10 or 15 percent, unless someone can tell me to the contrary. Using that figure, we dealt with an issue similar to that on free magazine offers and free subscriptions in our committee. We began to see that when it requires an affirmative action to protect your right, very few people are able to respond because it goes to the wastebasket or it is worded in such a way that you don't realize that it takes an affirmative action. Unless someone has from a statistician a percentage that says that 85 percent are going to be unaware, please correct me during this debate. That means, in my opinion, 85 percent of the Maine people who have this information are not going to sign off and probably not even be aware of that sharing of that information.

There was a very good question that was posed, how do I correct or challenge wrong information. You cannot challenge or correct information that you don't know hasn't been shared. How can you challenge something when you are not even aware of that it has occurred? If I go fill out a loan application and I have heard what is on that form is shared with other organizations, I sign and mark a box that I give authorization for you to do a credit check. There is nowhere on that form where I sign off the information about my assets, my liabilities, my credit history, my address, nowhere have I signed off my right.

During my 13 years in the Maine Legislature there have been a lot of bills that I voted on that when I got home they blew up in my face. I think you have about 80 or 85 percent, unless someone is going to change that figure for me and tell me what the statisticians say, that we will have gone home and we will have opened up their personal lives without their knowledge. When they find out, I think it will blow up in our collective faces.

We have heard that things have happened on the federal level, but we have been given the right on the state level to put a box around our personal lives. I am not going to roll over and by default give up that right. What is on that paper and what is in that relationship with that financial institution is between me and them and no one else. If you want to share it, then lay a piece of paper in front of me and tell me, yes or no, and tell me what that means. I am in charge of my information. I am in charge of my life. Don't take that control away by default or lack of knowledge. I am afraid that with this bill that is what we are doing. We are

letting by stealth, people into the private lives of our constituents. If I want to let entry into my life or if my constituents want that entry, let them be the gatekeeper and not the financial institution. I would urge you to vote no today.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. This is not a matter, which I have taken a very public position on. I just wanted to inform those members of the House although I have been quiet on this matter that hearing the arguments for and against several times before this long weekend is not going to make any difference in how I vote. Thank you.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Peavey.

Representative PEAVEY: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative PEAVEY: Mr. Speaker, Men and Women of the House. My question is, what rights do I have right now with my financial institution before the federal act goes into place on July 1? What of those rights will change if opt out passes?

The SPEAKER: The Representative from Woolwich, Representative Peavey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the question, the rights are a mixed bag. Under current Maine law, the banking code, a financial institution or credit union authorized to do business here may not disclose to any person except the customer or the customer's agent the financial records of that customer unless under certain situations. That is why it is partial. The customer has specifically authorized it. The disclosure is in response to a lawful summons, subpoena, court order, disclosure is made to DHS in relation to a child support order. The current law also contains exemptions for the sharing of information in instances, including purposes of an audit and the perforation of reports or returns to the IRS. Disclosure to supervisory agency, published data in aggregate form. When I say it is influx, I mean this 1999 law is coming as of July 1st of this year.

Here is the problem. I don't think anybody likes this idea. It was probably in about 1985 I got a Discover Card. It was issued to Christopher Neil. It amazed me. I never changed it. I used it. It amazed me that for a couple of years thereafter that I would get catalogs, mailings and that sort of thing. This is back in the '80s addressed to Christopher Neil. I just put two and two together and figured there was a connection somewhere.

Where I say this is a mixed bag is this Graham Leach Bliley is coming and we will have two standards. Again, like it or not, the federal standard will be out there for lots of institutions with which we do business. In response to the Representative from Kennebunk asserting that we will be opening up people's financial lives. They are open now and they will be opened up under Graham Leach Bliley. It is up to us to decide whether we mix it up even more and confuse the consumers and confuse ourselves. The Representative from Biddeford mentioned the other day when we debated this at length that she likened it to the snack tax. The fact of the matter is, if I get my affirmative check box or my 800 number and take advantage of that with one of my financial institutions and I look at another one that is state chartered, they are under two different rules. To answer the question, if the state has an opt in standard and my state chartered credit union tells me under their privacy policy, which has to be disclosed in clear and conspicuous terms, they have to lay it out for us. Some of us have already gotten those

messages. If I look at that from my state chartered institution, they say I am all set. I don't need to check off anything. Then I get something from my federally chartered institution, my mortgage company, my credit card company. I say, I already checked that out with my credit union, I am off the hook. I falsely presume that my information is safe and that is where we run into trouble. We do business, most of us, with 15 or 20 different financial institutions if we emptied out our wallets and our file cabinets at home.

When we talk about being consumer friendly, again, none of us might like this fact of life that information floats about. The opt out standard gives us the opportunity to watch out for ourselves. We have to do that. I will tell you what the Commissioner of the Department of Professional and Financial Regulation, which oversees the Bureau of Banking, securities and so forth, said. I pressed them for what they would do above and beyond the very clear standards that are set forth from this federal legislation, the notice that has to come every year from the bank, the 800 number, the check box, the reply card. In addition to that I said the only way you are going to get my vote is if you folks here are a regulatory body over whom we have authority will help out in that effort.

The Representative from Waterville mentioned the Drugs for the Elderly Program and its failure to attract 100 percent of those eligible. When I talked to the Commissioner, she says this, "The Department has used the educational effort needed in a manner similar to that undertaken with respect to the year 2000 educational effort." That was a pretty big deal. Remember that. All of the financial regulatory agencies within the department, Bureau of Banking, Bureau of Insurance, Securities Division, the Office of Consumer Credit Regulation will be involved in this effort. The department plans to use a variety of measures to educate consumers including press releases, the preparation of consumer brochures and the posting of information on the website. In addition, they will also publicize the department's toll free numbers for public use. We would envision that we will work in concert with consumer and citizen's groups including presentations at seminars and forums. When I said, how sure can you be that that will be effective? We can't be entirely sure. I said that I want an effort like the one we do for Cub Care. We all know that is a good one.

Mr. Speaker, I stand before you again saying none of us like learning about these somewhat scary facts of life, but I ask that we stick with what we did the other day because once people are aware this is happening, some of us are already are, some are not, once this federal legislation goes into effect, lots of places all over the country will have a mixed bag and that is worse. Thank you Mr. Speaker.

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

Representative **MARRACHÉ**: Mr. Speaker, Men and Women of the House. I rise today because I wasn't here for the first debate, unfortunately. I am glad I got the opportunity. I happen to be the one that was sitting on the fence in the Banking and Insurance Committee. It was a 6 to 6 vote. I had a whole weekend to dwell on this and get hammered by lobbyists. I asked a lot of people and then working in an office, I see all walks of life, unemployed, employed and elderly people. I asked every single one, what is most important to you? I have heard many people say that your medical information is more important than your financial information and that is why it is not a big deal. I was surprised to hear that their financial information meant more to them than their medical. To me, I couldn't believe it. When I told them what this law was going to do, I did not get one single person to say that they liked it at all. In fact, they all said I hope to God you don't vote for the opt out. That is what tips me

towards voting for the opt in only. I only got letters and phone calls and e-mails from lobbyists and banks. Not one consumer or constituent said the same thing as they did. I hope you realize as much as I have that this is a constituent issue, a consumer issue and vote for opt in. Thank you.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. To further answer the question from the Representative from Woolwich, Maine has an opt in standard already. That opt in standard applies to health information. When this bill came before the committee, no one on either side of the bill suggested that we ought to change the opt in standard for health information. Everybody agreed that health information ought to be held to a standard, a separate standard. The consumer ought to be allowed the right to give affirmative consent before health information was shared. There is this recognition that health information and financial information are different degrees of significance to consumers. Health information is even more private. That is quite an assumption to make. I am speaking for myself; I am fortunate to be rather young and rather healthy. I haven't seen a doctor for an illness in quite some time. There is nothing in my medical record that is going to compromise my feeling of privacy. My finances, on the other hand, I feel are very personal. It is none of anybody else's business. If they want to know about it, they had better ask me. My financial information is much more private and much more important to me than my health information. There is much more there.

There is this recognition that consumers in certain areas, this is universal recognition, that consumers in certain areas ought to be given the right of an opt in standard. Everybody agrees on that. The threshold is whether or not the information is private enough. That is a personal decision. That is not a decision that we can make for everybody right here. That is up to every individual to make for themselves. This bill is trying to take away that right from every individual. Please think carefully. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bristol, Representative Hall.

Representative **HALL**: Mr. Speaker, Ladies and Gentlemen of the House. I rise because I think it is appropriate to try to summarize the learned six-minute discourse of my friend and colleague the good Representative from Saco, Representative O'Neil. I will try to summarize his six minutes in one sentence. I believe he said that because the federal government is doing something badly, then we must do it badly too. Mr. Speaker, I recall that the good lady, the Speaker of the House of Commons in London, ruled that the term hogwash was permissible in debate. I suspect you would not do so, so I won't go there. I do just want to say that we still have a right in this state to do better than the federal government and that is what I believe we should be doing with going in the opt in route. Thank you.

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

Representative **MICHAEL**: Mr. Speaker, Ladies and Gentlemen of the House. I think we will be breaching our public trust if we do not take this bill very seriously and put some stop or at least some stall on the whole forward progress of Big Brother. Just because some bad stuff is happening, I don't think it is our job to roll over and just let all sorts of bad things continue. I have never seen in my career up here so much misinformation being given from the proponents out in the halls of this bill, up in the committee meetings and such, so desperately seeming to want to misrepresent this issue.

I would heed the words of the gentleman from Kennebunk when he talked about the folks up in the lobby and how they were high fiving each other and what that means. First of all, we were told that Maine will be the only state that will have an opt in if we pass this bill. They said that over and over again and then after a while it kind of dribbled out that there are some other states that are opting in as well. We found out that Maine and Massachusetts and Vermont will all be part of opting in, a majority of the population of New England. For some reason they had to misrepresent that.

Secondly, we were told that the out-of-state banks will not be covered by that and when we asked the commission, they backed them and they said that they can't say that after telling us over and over again that it would only apply to Maine banks. It turned out to be false. I heard it said again on the floor. We do not know that. The Graham Leach Bliley law specifically says that the states may enact more stringent laws. Do not feel that we have no right to take a stand for our people. We do. The gentleman from Kennebunk and also the gentle ladies from Waterville, both of them, and the gentleman from Buxton, all gave information about going back home and talking to the people. There is virtually no support for us just giving businesses the right to steal that private information and sell it. I can't find any.

I have to tell you something. I want to tell you a story about an experience I had here about 10 years ago. It is perfectly analogous to this bill and perfectly appropriate to what the gentleman from Kennebunk was saying about this possibly blowing up in people's faces. I sat right over there and we had a big bill that was brought down to us from the Federal Clean Air Act. We were told we had to pass some kind of a car test program. I was liberal and one of the environmentalists in this body. I remember listening to all the different environmentalists in the House and almost all of them were jumping up and saying this is wonderful. We have to clean up the air and save the people and all of this stuff. Just one of them who I had known for many, many years stood up and he said, you are crazy to pass this bill. The public is going to go nuts when you pass this. You are not thinking. He was just one and so I kind of went into denial about it. I voted to pass that bill. A few months later there was a virtual revolution going on in this state. They were just incensed. It resulted in the initiation of a petition drive and I have been involved in many here and around the country. It is the only time I had been involved in a petition drive where the public just ran out and got all the signatures and didn't use the polls, didn't raise any money. It was incredible. This Legislature ran for cover so fast they were making skid marks and I was one of them that ran for cover. I got involved in that petition drive just as fast as I could. I smelled that kind of thing coming. I would think twice before you would go and vote with the lobby on this bill. That is just a warning from an old friend.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. I would like to compliment the good Representative from Auburn for his eloquent history lesson. Yes, I was one of those fools that got hog tied by the federal government telling us that we would be losing \$35 million from our highway projects if we did not impose that Clean Air Act. Yes, I went home. Yes, there were dogs out there. Yes, I got bit. I will never be hog tied by the federal government again. I said it in the 119th. If I am emotional, I don't apologize for it. In the 119th I got ridiculed. I was called a radical, off the wall and emotional because I got up and said it is time that we, the representatives of the people of the State of Maine, took our

destiny in our own hands and told the federal government where to go. If you don't think that I don't believe in privacy, ladies and gentlemen of this House, I have been deemed the libertarian of the Democratic Party now and I love it. This is the baddest and the worst I have ever seen. If you want to go back to your people you can, but I am not. Defeat the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative VOLENIK: Mr. Speaker, Men and Women of the House. I heard a couple of interesting phrases today, corporate family, the family of corporations. I am so glad corporations have families now. It makes them seem almost human doesn't it? It is almost like they had a conscience. It sure makes me feel warm and fuzzy.

We are the protectors of the rights of the people of Maine. Why do we allow the sharing of any information at all? Why are we continually fighting against the constant erosion of privacy rights? Why aren't we fighting for the expansion of privacy rights? Please vote red. Remember this is what you will get from the corporate family. The wicked stepmother of Big Brother will smother another of your rights.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative DUPLESSIE: Mr. Speaker, Ladies and Gentlemen of the House. We have heard here this morning there is not much support for this from our constituents. We haven't heard from our constituents. That may be heard because this bill has been a sleeper. Many in this chamber did not know until maybe this week about the contents of LD 1640. This bill has been a sleeper and the media has been asleep at the wheel on this issue for the citizens of Maine. Finally this week the *Portland Press Herald* did catch up with it and editorialized for the opt in position. As time goes on, the sleeper will become a giant around our neck, possibly. Let me tell you a personal issue in this past week. It is only from mid-week last week that I had caught up with this LD and read what was going on, the effects of this LD. On Saturday I get two pieces of mail amongst all the other miscellaneous mail. They are both from previous credit companies that I had done business with. I pretty near tossed them in the trash. Only because they were from financial institutions that I had done business with and what was currently going on here, I thought there is something up. One was from a large national bank that I had a credit card with two years ago. I open up the envelope and it is explaining the new federal law about opt out. Within that envelope was also discount coupons to national hotel chains and national restaurant chains. Enclosed was this policy statement, privacy policy statement. I read through that policy statement and mind you this is a company that I have not had any banking business with for over two years. The policy statement stated in legal terms how I could opt out of my information. I am thinking that I have not even had business with this company for two years. In some fine print it says that if you are no longer a customer of this financial institution, but you were previously, we still have the option to use the information that we had on you in your financial transactions with us. You can bet I will be personally letting them know that I will be opting out of their policies because of the opt in that I should have that I don't have because I understand the issue.

Another envelope from an institution of three years ago, I purchased a gasoline brush cutter to cut brush with. It was 0 percent down and no interest for six months. It was a great deal. I signed up and I had to fill out an application. Six months comes and I paid it in full so I had never paid one cent, nor one payment, no interest to them. That was at least three years ago, but I get a statement from them because of this new federal law

because they still have my financial information on that application. Now, the dots may be connected a little bit. In that time I have received quite a bit of unsolicited junk mail from companies that sell garden tractors, garden supply equipment and other outdoor equipment, maybe because I purchased an outdoor gasoline brush cutter. I couldn't imagine why I was getting all this mail related to an issue like that. It might not be that.

We heard about good business sense. I am concerned about getting more and more junk mail being good business sense for me or my constituents. As you heard the good Representative from Saco, that I highly respect, talk about the unsolicited mail that he received after signing up for a Discover Card back in the '80s and he connected where it was coming from. He went on to talk about the scariness of this act. If he had been a Congressman a few years ago when this was passed, he probably would have voted for the opt in. I would encourage you to think about that and vote for the opt in and defeat this enactment. You do have a very unique opportunity today to protect the consumers, all of our constituents. Thank you.

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

ROLL CALL NO. 264

YEA - Annis, Ash, Belanger, Berry DP, Bouffard, Bowles, Brannigan, Brooks, Bruno, Buck, Bumps, Bunker, Carr, Clark, Colwell, Cowger, Crabtree, Cressey, Daigle, Desmond, Dorr, Duncan, Dunlap, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Glynn, Gooley, Hatch, Heidrich, Honey, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Ledwin, Lemoine, Lundeen, MacDougall, Madore, Mailhot, Mayo, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michaud, Morrison, Murphy E, Muse C, Muse K, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perry, Pineau, Povich, Richard, Richardson, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Baker, Berry RL, Blanchette, Bliss, Bryant, Bull, Canavan, Chase, Chick, Chizmar, Clough, Collins, Cummings, Davis, Dudley, Dugay, Duplessie, Gagne, Gerzofsky, Goodwin, Green, Hall, Haskell, Hawes, Hutton, Jacobs, Laverriere-Boucher, Lessard, Marley, Marrache, Matthews, McDonough, McGlocklin, Michael, Mitchell, Murphy T, Norton, Paradis, Patrick, Perkins, Quint, Rines, Savage, Simpson, Skoglund, Smith, Tracy, Tuttle, Twomey, Volenik, Watson.

ABSENT - Andrews, Bagley, Cote, Landry, Lovett, Pinkham, Stedman, Tobin J.

Yes, 92; No, 51; Absent, 8; Excused, 0.

92 having voted in the affirmative and 51 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

ENACTORS

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2001, June 30, 2002 and June 30, 2003

(S. "N" S-256 and S. "O" S-260 to C. "A" H-55)

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

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I want to pass a budget. Let me make that very clear. I want to pass a budget. It was very interesting this morning to see so many members of the other body visiting us. I know it was quite early in the morning for them and I am so pleased that they are finally speaking with us about a budget. The last time they did, the snow outside was three feet deep. I know some of you tell me you still have snow on the ground where you live, but that was last winter that those conversations took place. There was an attempt last night to create a sense of a crisis. That is a pretty good tactic. I have to admit back in terms of a floor leader, attempting to get Governor McKernan's budget passed and also the budget two years ago. It is very easy to use that tactic.

In listening to the debate on the radio coming up this morning they had talked about the state budget, whether a state budget was going to be passed, but there was one word missing from those newscasts. A partial state budget would have been the correct description. No members of this body in the rank and file bear any responsibility for any sense of crisis or late date. There was a one to two-month period where there wasn't any conversation between the two bodies and there was very limited or no conversation between different members of leadership. Let's make it very clear as we begin to discuss where this budget process will go. We do not bear any responsibility for any crisis that someone may try to describe today. It is not our fault.

The teacher in me always goes to analogy. Almost all of us have either come out of school district meetings, boards of selectmen, let me draw an analogy with a Maine town meeting. You are taking a budget to the legislative body, which is the citizens of your town. You get up before that legislative body and you bring them a budget that instead of being a full one-year budget, it is a six-month budget. You present that printed budget or warrants to them and some of the lines are blank. Those blanks might be the plowing of the roads. It might be road reconstruction. When the citizens say this is an incomplete budget, what about the roads? You get up and say that I promise that we are going to try to take care of that. That doesn't put the truck on the road. The citizens always want to know, what is it going to cost me? As a member of that board you have to get up and say, I don't know. I don't know what the full cost is and I can't tell you what is going to happen to the mil rate. Do you know what that town meeting would do to you as an elected official? You wouldn't get out of that town hall with your hide on. You could maybe try to get up and say we are going to come back with a special meeting, trust us. We will take care of it later, but if you have your hide still on, there might be a little tar and feather on it by the time you leave that hall.

There is a solution to this budget process. I have not heard one member of this body say they do not want to pass a budget. I have heard no one make that declaration. This is a two-year budget and it should include the second year GPA. We heard reference made to 3 percent and it should include the higher ed. It should also include from one time money either the technology or the rainy day fund, whether it is \$4.5 million or \$5 million, it should require that being included in the two-year budget for a cushion or hold harmless.

The document that is before us, to get an overwhelming vote on this Part I, all you need to do is amend it, taking GPA to 3 percent the second year, taking higher education to 3 percent in

the second year and taking one-time money, \$4.5 or \$5 million and putting that into the amendment. That is all you need to do and I think the vote would be overwhelming. Once we would amend this document to make it a full year budget for education purposes, then we engross it and then we can park it. We can empower the Appropriations Committee to take those last few steps on the Part II Budget. Build on the bill that we will have engrossed and temporarily parked. Let Part II catch up with Part I. They will come to us with two separate documents, but you have the ability to bring the two together and you get to see the whole picture. There are things on the other side of the horizon that with this document before us, we cannot see over the horizon. We don't know GPA. We don't know the revenues and we don't know what tax increases. We also don't know if there are tax cuts. I have talked about tax increases, but there are folks in this hall that are concerned without seeing the Part II that there may be cuts to existing programs. That is part of the big picture.

I believe Appropriations is ready to do that wrap up. I believe that we can have before us, within a week, those two documents, the full mosaic of the next two years. There has been concern because the date really isn't July 1. You have to back the date up. There are certain things in statute that you begin to bump into. We have drafted continuing resolutions that make sure there is no crisis. All the chairman of Appropriations and the committee members from Appropriations would need to tell us, looking at these deadlines that we will be bumping into, this is the number of days that we need in a continuing resolution. I only have one vote, but I would assure you that once that time period has been identified to make sure there is no atmosphere of crisis in this chamber, I would do everything with my vote to have that continuing resolution be almost jet powered in terms of it zipping back and forth between the two bodies and providing the necessary time that that committee needs to finish its work.

I really want to see a side by side. I really do want to see that pillar or that basic wall of the structure, which is education as part of that budget and fully committed. We have two routes to go. If we go that route of amending it, take it to engrossment, wrap up the work that Appropriations, doing a continuing resolution if we need to do a resolution that empowers the Appropriations Committee and this House has the majority on that committee, that empowers our leadership in either corner to say that there are certain priorities or principles that must be included in that budget. It empowers the Speaker of the House to represent our priorities. That would be a budget route that would win not by 101 or 102, I think that would be a budget route that we all could be proud of. We could go another route. We could leave this untouched and incomplete and it is a partial budget. We can take today, tomorrow and maybe Sunday and maybe the holiday to pick members off, using tactics of fear or promises in terms of a budget. We could be threatened with being here all week.

The SPEAKER: The Representative would defer. The chair would remind members that to speak about the actions or the motivations of other members is strictly prohibited as a part of debate. The Representative may proceed.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I was only repeating what I had heard in the halls as to what the strategy was to be.

The SPEAKER: The chair would remind members that their remarks must be directly related to the amendment before the House. The Representative may proceed.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I want this House, the Appropriations Committee and I want our leadership to be empowered. I want us to be able to amend this partial document that is before us and make a statement to our local communities because my concern is we have heard the words try for the second year. We are going to work real hard. I have not yet heard an explanation as to why GPA is at three-fourths of 1 percent. I have not heard yet why the technical colleges and higher education are at zero. What was more important on the other side of the horizon was that they didn't rate inclusion? I cannot go along and hope for a re-projection. I cannot watch the obituaries and hope for another Betty Noyes and the influx of that money into the revenues. We did do a lot of spending based upon that estate tax. I am afraid that if we do this and you do not make that commitment to the GPA, then back home they are either going to have to cut that municipal budget or they are going to have to start making plans to go into that school budget and begin to do the layoffs. There is a responsible, cooperative, working together, setting priorities and then engross and bring Part II up and we will have an overwhelming positive vote for a budget that we can all be proud of.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. I have listened to the debate on the Part I Budget last night and in prior caucuses. I have tried to understand what the objections are. We have had some of them again this morning. I am worried because I think we are forgetting the basics here. I want to address just one of those basics and that is GPA. We have talked a lot about how much money we provide for general-purpose aid to schools. In this budget there is over \$700 million for the general-purpose aid to education. If you vote against this, you are going to vote against probably 97 percent of general-purpose aid to education for your schools for next year. What is in dispute or what we are continuing to talk about is the increase in GPA, which will be partly provided for in this version and it will be further provided for in the Part II. That at its worst case, or best case, however you want to look at it, may amount to \$20 or \$30 million. Again, the basic thing I think to remember is, 97 or 98 percent of general-purpose aid to education is in this bill. If you want to go home and tell your school board members, your superintendents, that you voted against that, fine. If you want to go home and tell them the reason you did that is because I held out for potential 2 or 3 percent increase that is interesting. You can do that. Ninety seven percent for schools for next year is here and you should vote for it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. There comes a time to act and there comes a time to move forward in a positive manner. There comes a time to recognize and respect the fact, ladies and gentlemen, that we have done the very best we can. By we, I mean, our esteemed leadership in both corners, the Speaker, who I want to thank for the many hours they have put in working with the leadership of the other body to achieve a compromise upon which we can agree to. There comes a time to realize that there are two distinct bodies with four distinct caucuses whose leadership, as I have said, has worked diligently to meet the needs and address the concerns of their members. They have done a good job, each and every one of them. There comes a time to cease the grandstanding and political posturing, the holding our for your district and to move forward with what is best for the state as a whole, what is best for this institution as a whole and what is best for the many hardworking employees of the state government,

what is best for the thousands of Mainers who depend on the services provided by our government. Ladies and gentlemen of the House, now is the time and this is the place and we are the people who have taken on the responsibility of governing. Let us now move forward, lick our wounds, bury the hatchet, learn from this difficult experience and try together to forge the very best Part II Budget that we can.

Ladies and gentlemen of the House, there will be no unified Part I and Part II Budget. Sometimes there is and sometimes there isn't. It is not the end of the world if there is or there isn't. Government does it both ways. Maine state government does it both ways and it works. It can be done. It is not the end of the world like you might have been led to believe.

Ladies and gentlemen of the House, there will be no more money for the good people of South Portland school system. Ladies and gentlemen of the House, it is time to recognize that we have done the best we can and it is time to move forward. I have greatly enjoyed working with what members on the Appropriations Committee have viewed as the consultants from the other body and worked with them to achieve a compromise in the Part II Budget. Please support the enactment of this and move forward with us together. Thank you.

The SPEAKER: The Chair recognizes the Representative from China, Representative Bumps.

Representative **BUMPS**: Mr. Speaker, Ladies and Gentlemen of the House. I had intended this morning to urge the minority caucus in light of last night's vote to work diligently and quickly today, tomorrow or over the weekend and into next week to the end of what Representative Murphy espoused during his statement this morning. In sort of an unusual fashion, I guess, we are not going to have a caucus so I will do my best at this point to urge you here at this time.

I need to say at the outset that I do not believe that there is a single person in this body on the majority side of the aisle or the minority side of the aisle or in the Speaker's Office who is responsible for us being at the point that we are at today. That responsibility lies somewhere else in this building, but it doesn't lie here. With the advent of last night's debate, the negotiation had just begun and I was prepared today to speak with members of the minority caucus who voted against the budget last night to ask them to spend as much time as was necessary to complete our work in a timely fashion and pass a budget that would have had universal and bipartisan support. It appears we are not going to be offered that opportunity.

I want to remind the membership that anything that you are sure about in the Part I Budget that we are about to vote on can be changed. Anything that you are certain will be funded can be changed so long as we are still to complete a Part II Budget. In our caucus we have worried for some time about what we have called essential services or essential expenses, the things we know need to be funded, collective bargaining agreements, salary plans and corrections expenses. We know those things are out there and we fully intend to fund them. GPA is one of those essential services. Nothing has changed since we voted last night. If you didn't like higher taxes last night, I bet you still don't like them today. If your own bill is sitting on the Appropriations Table and it might cost some money and it was in doubt last night and it still is in doubt today. I just encourage you to think for yourself about what happened in the less than 12 hours that we were away from this building that will change the outcome of the legislation that is important to you. I would submit there is nothing. There is no more or less money to fund those essential services or GPA or any other expense than there was last night, just over 12 hours ago. No more or less at least without significantly raising the tax burden on Maine residents.

I mentioned last night and I just ask you to think again today that when the folks back home in your district have trouble managing their personal finances. When they have trouble making their personal budget, they don't put off their difficult decisions. They deal with them at the moment that they are facing them. When they are faced with a desperate situation, they deal with it. They have no choice. We apparently have a choice. We are opting not to buckle down. We are opting not to deal with the difficult choices. We are opting to pass something that is only in part addressing the needs of the State of Maine.

I do sincerely appreciate the effort that has gone into constructing this budget on the part of the majority party and on the part of the minority party and on the part of the leadership. It isn't a problem that we created in this body. It is a problem that was created quite apart from us. I would ask that you would allow us to be put back into that process. Our bipartisan Appropriations Committee is up to the task and can complete their work in a timely fashion and allow a complete Part I and Part II Budget. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I would encourage us all to come together today. I know it has been a difficult last few weeks and days for many of us, months. There are many concerns I have with the present budget, but as the good Representative from Harpswell, Representative Etnier, had said that I think it is time for us to come together. I hope that we would support this budget. As I looked at the budget, in the present form, it provides more than \$1.4 billion for local schools, which represents a 5 percent increase in school funding. I guess Representative Nass has mentioned three-fourth or 75 percent of general fund monies are redistributed back to our communities. There are no tax increases in this budget, which provides essential services for Maine people. I think that is an important aspect of it. I think when we look at the general fund it helps many of our businesses throughout the state. As many of us know, hospitals, nursing homes and other medical providers are dependent upon state funding. I think that it is matched with federal funds. Without state payments many nursing homes and hospitals would have to close. I know we all want to avoid that.

The Part I Budget provides cost-of-living increases for nursing homes, assisted care, home care, mental health care, and mental retardation caregivers and workers. These COLAs are immediately necessary to attract and keep individuals and workers in these professions. I know myself from being an emergency medical technician dealing with the facilities. I don't need to reiterate that to you. I think this budget provides many elderly with access to low-cost drugs. It is something that I am sure all of us agree with. In conclusion, I think that while there are many concerns, I think that where we are at this time and with the years of my service in this Legislature, I would ask that we would come together and support this budget.

Mr. Speaker, I would move the question at this time.

Representative **TUTTLE** of Sanford **MOVED THE PREVIOUS QUESTION.**

The SPEAKER: House Rule 504 says no debate until the matter of consent is determined. For the chair to entertain a motion for the previous question, it must have the consent of one-third of the members present. The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Thank you Mr. Speaker. Point of order. The previous Representative engaged in debate before making that motion. Is that motion appropriate?

On **POINT OF ORDER**, Representative **MENDROS** of Lewiston asked the Chair if the motion was appropriate.

Subsequently, Representative TUTTLE of Sanford **WITHDREW** his motion to **MOVE THE PREVIOUS QUESTION**.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. To cast an informed vote, I need information. I can't find it anymore because my desk is such a mess. I clearly remember a sheet coming through that showed me GPA, first year only, with the cushion, for every school unit in the State of Maine. It did not show the second year. I have not and I had hoped the Department of Education would furnish that to us over night. I have not seen the second year at three-fifths of 1 percent without a cushion for each of our districts.

My district only gets 15 percent subsidy. I am looking at members in this House right now that their districts get 60 percent, 80 percent and 85 percent. Have you seen a printout for the second year for the two-year budget of what three-fifths of 1 percent will return back to your district without a cushion? I hope you can find it on your desk. I can't find it on mine because it is a mess.

Mr. Speaker, I would like to pose two questions. As we have debated, I have tried to lay out what isn't in this budget. The first question is, is the legislative budget funded for two years? If the answer is yes, what is the percentage increase for each of those years?

Representative **GLYNN** of South Portland **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 Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, May I pose a question through the Chair?

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. To rephrase my question, this is a two-year budget. There are parts of state government and partnerships that are not funded. My first question is, is the legislative budget funded for the two years? The second question is, if the answer to that is yes, then what is the percentage increase for the first year and the second year?

The **SPEAKER**: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Ladies and Gentlemen of the House. The legislative budget is funded for two years. The second year is really irrelevant in the percentage with the debate that is before us today. As the chair of the Appropriations Committee I came here and spoke to Committee Amendment "A," we listened to the items that weren't in the budget. Knowing that there was plenty of work to do and there will be plenty of battles ahead on priorities. The Representative from Kennebunk has done a great job. I will give him credit for drawing attention from the facts. We will be addressing GPA in the Part II Budget. On his comments earlier, I don't write the news that you would read in the paper today, but if you read the news in the Lewiston paper, you will see that there are already demands being laid out by members of the other body for the Part II debate.

That was my point last night. This is why we need to enact this. I would ask to enact it today. To suggest that sending this back to Appropriations now, while I have all the faith in the committee, we have reported out unanimously Committee

Amendment "A." We saw little action. We got together and we looked at a way to prompt additional negotiations and progress. We didn't report it out. We sent up the package that we called geographically located between "A" and "M." That is a tool that individual members of the committee have, but we really didn't like it. It was too much like "M," but it was something to get a Part I Budget with no taxes, so we could keep government operating. We kept the increase to higher ed in the first year. We kept some other items that were coatis, so that schools and our partners in education, Jobs for Maine's Graduates, for one, so they could work this year with the budgets that they would expect to have, rather than keep them in limbo. That was our purpose.

I will take credit for suggesting that we move GPA to Part II. I think today if GPA was in Part I and we had used the BETR or the Homestead or any other thing, the debate today would be I am not voting for this budget without this program fully funded in the Part II. What I suggested, what I will take credit for, is saying that let's take as few items as we can to meet the taxes that were taken out. What the Representative is asking us is why we haven't committed to this extra expenditure? The reason, the revenue wasn't there. We need to find those revenues to do that. The Executive's budget, I tried to explain last night, when we cut out the taxes, it doesn't fund everything that he recommended.

I drove home last night and I was just trying to figure out where we were and what we were going to do. All I could come up with was, I felt like that gray squirrel in the middle of the road sitting on that yellow line and there was an oak tree on one side and there is the corn field on the other side and it really didn't know which way to go, but there is cars coming each way. When I compare it to here, we are trying to please this body. We are trying to please the other body. There is just no place to go. I can't do it right. I can't seem to get it right. You send it back to committee; we will work our hearts out. We will try to please both bodies. I think it ought to be in the legislative budget to issue us all some therapists. I am beginning to think this isn't the place to be for good people. We are playing games today, I think, in my opinion. We have shown that the committee can work together. We are working in good faith. I think we have shown that nobody can walk over any of the other parties in this process and make it last. I am asking you, let's get on with this.

To say that we are not going to fund GPA and try to pin that on somebody is just wrong. I ask you to support the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, May I pose a question through the Chair?

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

Representative **SHERMAN**: Mr. Speaker, Men and Women of the House. The question relates to a change to the document we have on Page 9. It talks about the statewide local share and how it calculated. The statewide local shares based on the amounts determined by multiplying by each unit. The original number was 7.02 and that number has been changed to 7.57 mils times the units of property fiscal capacity. I would ask anyone if that is a tax increase or a tax decrease to the local unit?

The **SPEAKER**: The Representative from Hodgdon, Representative Sherman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Baileyville, Representative Morrison.

Representative **MORRISON**: Mr. Speaker, Men and Women of the House. The old expression, you have a dog and it is fight or not. I think this is an important fight. We all need a dog in the

fight. I have a feeling that my dog is a Chihuahua against the German Shepard. It is a very awkward feeling. Basically the appropriation process was an open process. This thing that we have now that I don't like at all, it got worse, people are trying to convince me it is better, but it isn't, has been a closed door process. Leadership getting together and so forth and back and forth we go and you wait to find out what is happening. At least during Appropriations you had a chance to go in and get your two cents forth in and you could go back and forth and listen and hear. That is open. That is what I like to hear. This business of what is happening now leaves a lot of suspicion. What is really happening here? What is going on? Who is doing what? The distrust is there and it is unfortunate. I think that is what has happened to government as a whole. Washington DC is full of this distrust. Who can trust anything happening in Washington DC. It is unfortunate, but it seems to be happening here in the State of Maine. I don't know if you see the same kind of thing in your hometown.

The answer to Part II is going to be there is going to be a tax increase. I don't see anybody taking a knife to anything, so I see a tax increase, because there is no tax increase here. You have to pay for it somehow. You have to come up with the money.

What people back home recognize and understand the most is the school budget. That is what I know and understand most. That is the biggest part of our local budget, at least in the smaller towns. I know in my town it is 55 percent of your local budget is school budget. A lot of them are around the 70 or 80 percent range. They are very significant and they are very uptight that it is getting late in the process and they need their budgets in place. They need to know what they are doing back home. I do represent those people and I will be switching my vote today on that basis.

I guess the last thing I have to say is if you fool me once, shame on me. Fool me twice, shame on you. I won't know how badly I have been fooled until Part II has come around and see really what has happened and then I will really know. If I either decide or I am fortunate enough to come back to this again two years down the road, I will be a little better prepared and I will do my best to see that this kind of foolishness doesn't happen again.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. At 1:00 today I was supposed to be in my district attending a funeral for two people who could have been members of my adjunct family. I chose to make a phone call about quarter past twelve and stay and listen to this debate. I have been debating with myself since that phone call whether to speak today or not to speak today. Thus far in this legislative session we have cast over 250 recorded roll call votes. This week, I don't think it has escaped many of you, I have cast two votes that have caused me, personally, a great deal of concern. I will be honest, I have lost considerable sleep over both of those votes. The first one was on Wednesday on a labor matter and the second one was last night. This morning at breakfast at the motel, I was asked by a former seatmate why I had voted last night as I did? Why had I voted against the budget? I said that was the first time that I had done that since 1995 and he allowed as how that was to taste. I explained to him my concern, which is primarily the one that we have been listening to now for the last hour plus dealing with education and its place in the budget, Part I or Part II.

I am concerned as a former school board member, school board chair, over that issue. I am also concerned about a phone call that I received today from a school board chair in my community who is very concerned because the budget is about

to be put to bed in my community and a big piece of it is now unknown. I would have liked, personally, to have seen a tax increase in Part I to have covered what is missing in Part I. I think we have heard in this chamber and we have read in the newspapers and we have heard from the other end of this floor that that was not possible. We also know if we are being honest with ourselves that state government is not going to be reduced to balance this budget and to move us forward. After a great deal of thought and soul searching, I guess I have personally come around to the realization that I must put my faith in the leadership in this chamber on both sides and ahead of us. Am I comfortable? Do I have a warm fuzzy feeling? No, but I don't see this afternoon or today any other alternative. I am putting my faith there and I hope when we adjourn, hopefully this month, that what has been promised to us by both sides of the aisle and by the Speaker, will, in fact, come to pass. That is that those items that we are concerned about in this budget are, and will be, in Part II. For that reason, I, too, intend to change my vote when and if we vote this afternoon. I would urge enactment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. 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. 265

YEA - Ash, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Morrison, Murphy E, Nass, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Trahan, Tuttle, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Annis, Baker, Berry DP, Bowles, Buck, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, MacDougall, McKenney, McNeil, Mendros, Michael, Murphy T, Muse C, Muse K, Nutting, O'Brien JA, Sherman, Shields, Tobin D, Treadwell, Twomey, Waterhouse, Weston.

ABSENT - Andrews, Bagley, Landry, Lovett, Pinkham, Stedman, Tobin J.

Yes, 105; No, 39; Absent, 7; Excused, 0.

105 having voted in the affirmative and 39 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

Representative **CHICK**: Mr. Speaker, Men and Women of the House. Yesterday on a roll call vote number 262; had I been present, I would like to be recorded now as having voted yea.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

SENATE PAPERS

The following Joint Order: (S.P. 637)

ORDERED, the House concurring, that when the House stands Adjourned it does so until Tuesday, May 29, 2001, at 10:00 in the morning and the Senate Adjourns until Tuesday, May 29, 2001, at 12:00 in the afternoon.

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

On motion of Representative **NORTON** of Bangor, the House adjourned at 1:41 p.m., until 10:00 a.m., Tuesday, May 29, 2001 pursuant to the Joint Order (S.P. 637).