

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twentieth Legislature
State of Maine

Volume II

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Second Regular Session

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ONE HUNDRED AND TWENTIETH LEGISLATURE
 FIRST REGULAR SESSION
 60th Legislative Day
 Thursday, May 31, 2001

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

Prayer by Reverend David Rowe, East Limington Baptist Church.

National Anthem by Easton Junior/Senior High School Band.
 Pledge of Allegiance.

Doctor of the day, Russell Radcliffe, M.D., Lewiston.
 The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Expand the Maine Mathematics, Science and Engineering Talent Search Venture"

(S.P. 280) (L.D. 991)

Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** in the House on May 9, 2001.

Came from the Senate with the Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-94) AS AMENDED BY SENATE AMENDMENT "A" (S-288)** thereto in **NON-CONCURRENCE**.

Representative RICHARD of Madison moved that the House **RECEDE AND CONCUR**.

Representative LEDWIN of Holden **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to say a few words about this talent search. Most people would not be aware of what it is. As I understand it, and I have listened carefully in the Education Committee, programmed by a particular professor of mathematics at the University of Maine. Each school in the state, elementary and high school, receives math questions that are given to interested individual students. If these individual students are inclined toward doing mathematical problems, they are put in correspondence with the University of Maine and continue this program on an individual basis.

How it is different from other math programs is that it is non-competitive and it works on an individual basis. Schools do have math teams, but not all people are the type that like to work on speed, competitiveness and in a team environment. This is for individual students who like to work mainly on their own, but need that encouragement and guidance from an adult. It is a wonderful project, good program and I urge you to continue it. Thank you.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. We discussed this program a short time ago and we voted on this program and turned down this program. I stand here today to tell you that every teacher in the State of Maine can generate questions in a noncompetitive manner. If that teacher in that classroom is doing their job, they will be having those challenging questions put forward to students. We have

had two calendars recently, one just yesterday, that honored the Winslow High School Math Team. We had another calendar about a week or so ago that honored the Lee Academy Math Team, because the mathematics questions are there.

I just want to share a couple of things with you. I have seen some of these questions and very honestly I think some of these questions are lacking. The place that they are lacking is in the challenge to put math into its right perspective. Ladies and gentlemen, mathematics is a language course. It is not a mathematics course, it is a language course. Those of us that use that language are those in the high sciences and other sciences and in engineering where mathematics means something other than just a number. A number is nothingness. I said to one of my colleagues here this morning that I want you to go to the grocery store and I want you to go to the fruit aisle and I want you to stand there and when someone approaches you and asks what you want, I want you to say I want eight. They are going to say to you eventually, what? I want eight. You want eight what? Ladies and gentlemen, that is the key in this process, the what. Is it oranges, tomatoes? Is it kilograms? Is it grams? Is it linear? Is it feet? Is it meters? Teachers in our classrooms in the State of Maine do not have to take and pay someone and pay a program to create questions for students to be challenged. People claim that these things belong to them personally. I stand here today to say that things like this do not belong to individuals personally. They belong to the entire process of education and have always belonged to the entire process. This is not ownership. This is not something that the State of Maine should be funding for an individual cause.

If you want to fund the individual cause, you take the money and you put it into a location where it has more strength, like the classroom teacher. If it requires training of teachers to be able to do these types of things, then let's do that. I will not support this. I urge you not to support this and to turn down this Recede and Concur and Adhere to our position and move forward. Thank you.

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

Representative **BLISS**: Mr. Speaker, Colleagues of the House. I don't speak here very often, but I rise today to ask you to join with me and the good Representative from Belmont in defeating this. I work for the University of Maine System, although at the University of Southern Maine campus, and I would like to say a word or two about how the process works.

Faculty members frequently come up with great ideas to help students, community members and colleagues. They figure out a way to make those programs work within the parameters of the budgets of their academic departments until the program grows large enough that they have to ask for more funding. In this particular case, this program started in the Mathematics Department at the University of Maine at Orono. It grew. It was successful. The faculty member went to the Mathematics Department and said this is great, can you fund it? They said, no. We don't have the money. It is not part of our mission as a Department of Mathematics. We don't think it is part of what we ought to be doing. When that happens, a faculty members typically lets the program go away or scales it down to a more manageable size or seeks outside funding from grants or private locations. That is not what this program sought to do.

I believe it is bad business for us to allow a faculty member with a program that his or her academic department chooses not to fund, to come around the system and directly to the Legislature and ask for funding. I think it is a bad precedent. I think it opens a huge barn door that allows every faculty member at all seven university campuses, at the Maine Maritime Institute

and all of the technical colleges to subvert the regular process and start asking us directly for funding for their programs.

I urge you to defeat this motion and stick to our original Ought Not to Pass. Thank you very much.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the current motion to Recede and Concur. In contrast to some of my distinguished colleagues in this House, I do see a lot of value for this program. It is something in simpler version that influenced me when I was at that point in my life and I can see where it has value today. In particular response to my friend, Representative Bliss from South Portland, I can completely understand why the university would refuse to fund this within their budget. We have been restricting university budgets for quite some time now. It would be perfectly logical for me for a budget manager within that system to say that I have to pay for things that I cannot afford now so to cut out external activities and to say to take this policy decision to the Legislature, let them decide if they think it appropriate and to fund it. I place no stigmatism whatsoever on the fact that the university decided to tell its members to come to us for this policy call. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Baker.

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I, too, oppose this program. Perhaps it is valuable, but we should be doing this within our schools. We should not be paying someone from outside to produce a program that should be universally available to all students in our public schools, if it is that good.

I understand that the price tag has been reduced from \$94,000 to \$73,000, but at \$94,000 over half of that amount went to the inventor or the teacher of the program. I assume now that would be two-thirds of the amount to the person who has produced this program from outside our public schools. I would remind you that we do not have enough money currently for education. We have money currently for education. We have schools in our state that are structurally falling down. We have schools within our state that cannot afford up to date textbooks. I hear stories of schools struggling with textbooks from the 1970s and the 1980s and we are not addressing this problem. Most importantly, we have a crisis in our state among our public school teachers. We are losing public school teachers, because we are not paying adequate salaries and yet we are about to go outside our public school structure to pay someone else to do what we should be funding our schools to do. I hope that you will not say yes to this program. We need to tackle the tough issues. We need to look at the overview, the big picture, of what public education needs in this state and it is not piecemeal additional programs. Thank you.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative **SKOGLUND**: Mr. Speaker, Men and Women of the House. I suppose it depends on how you look at it whether it is piecemeal or individualized. I am sure that the participants in this program, the young people, appreciate the individual attention that they are receiving. I did say that I believe this would be run by the University of Maine, but according to the information that I have now, it would be run by the Maine Mathematics and Science Alliance and will employ the program director. The budget is \$73,000 a year, which when we look at the total cost of education, is not an overwhelming amount, \$73,000. I do think of the individual boys and girls who do need something in addition to what is provided and what should be provided in their classrooms or by their regular

teachers. As I said before, the programs in the schools, and they are good programs, but the math teams are just that. They are teams and not directed toward individual interests. I think this particular notoriety, for want of a better word, that this student interested math receives by corresponding with an outside and perhaps more prestigious institution is particularly good for young people. Seventy-three thousand dollars is what we are talking about. I urge you to continue the program and to vote to Recede and Concur. Thank you.

The SPEAKER: The Chair recognizes the Representative from Baileyville, Representative Morrison.

Representative **MORRISON**: Mr. Speaker, Ladies and Gentlemen of the House. I, as well as many of you people, probably received quite a number of letters from students who have participated in this program. They are very enthused about it. They are very excited about it. They felt it was very worthwhile and beneficial to them. I guess I can't speak like Representative Berry did. I am not familiar with the types of questions that are put out to these students to challenge them, but the idea behind it was to challenge their thinking and their ability in math and science. I think it is one area that we fall quite short of in education to challenge these kids. One area that we do spend a lot of money on is the slower less capable students, the special education, for example, and rightly so. These kids deserve the best that we can give them. However, a lot of times we seem to be either neglecting or not doing what we should or as much as we should for those upper level students, challenging the brightest minds that we have in the state. This is one area that I think going statewide and using that kind of money, I think it sounds to me like money pretty well spent. We are going to use it to challenge these kids and get their thought process going. I guess that is why I am kind of learning toward favoring and going with the Recede and Concur. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Jacobs.

Representative **JACOBS**: Mr. Speaker, Ladies and Gentlemen of the House. That is just the reason I am voting against this. To me, this seems like an elitist bill. We have some great kids out there in those everyday public schools that need to be challenged and are challenged everyday, but they need opportunity. We don't need just a few of the so-called brightest minds getting challenged. We need them all to be challenged. I have had some kids that were what you would call lower class or lower in the brainpower. Those kids were just as smart in their own way as some of these that had the opportunity to go to a special school that will cater to what they are best in. That is why I am voting against this. All our children need to be challenged. We have some wonderful kids out there and I want to see them prosper as well. Thank you Mr. Speaker.

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

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. When we first debated this, I gave you three problems that I was not able to solve when it came to deciding whether or not to fund this in our Education Committee. I don't believe those three questions have been resolved still. The person who began this program still claims ownership for the program. She has not still signed off. It is anticipated, but is not there yet. I do not question the value of our students participating in a program such as this. What I cannot resolve is the problems that are still out there unanswered. If we vote to give this money to the Maine Math and Science Alliance what will happen when this person who has already made some reference to the ownership and even to some losses, perhaps. Also, I have to balance this with what I tell my school district while they are working on their budget. They don't even know what is going

to happen in the second year of this budget. They reduced this money considerably. They have lobbied hard that those questions are still not answered and I still cannot support this.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I, too, will not vote in favor of this motion. We fund the University of Maine. We fund the Education Department. We fund local schools inadequately, I might add, through GPA. The University of Maine has decided not to offer this. The Department of Education has not picked it up. We are taking more educational dollars and putting it into a separate organization, not the commissioner of Education, he is not here lobbying for this. Every student in Maine deserves the same chance and the same amount of money. It needs to be public policy. Our job as legislators, public policy for public education. I do not see the commissioner of Education lobbying for this. The money is going to a quasi organization. My district is looking for \$30,000 for our Saco River that supplies drinking water. We are willing to give \$73,000, yes, they have reduced it by \$20,000, for a quasi official to run a department or program that there are a lot of concerns about that the University of Maine decided not to fund. They made the hard decision. The commissioner of Education has not asked for it. When do we say no? I trust our public school teachers. I probably couldn't answer the questions on it, but you will be safe to know that I don't teach math. I do support our public schools and I know that we can offer it to every single child. That is what our MEA testing goes for. Every child has that opportunity. Seventy three thousand dollars can be better spent in a different program and I would like to see the commissioner of Education come and tell us we need this program and I would feel differently. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. One of the first votes I cast here seven years ago was to oppose the Maine School for Science and Technology in Limestone. I regret that. I had listened to the people back home and they said it was going to take away from the local schools and would siphon off the best and the brightest to go to Limestone. I regret that vote and now I am an enthusiastic supporter of the school up in Limestone. I will be supporting the pending motion. Just thinking back to the vote I should have cast seven years ago. In my understanding it is a program that benefits kids thinking outside the box, so to speak. It sounds like a good idea for a reasonable amount of funds.

The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. This bill has nothing to do with the Maine School of Science and Math. I was here in the 116th Legislature and a cosponsor on developing the Maine School of Science and Math along with the good Representative from Limestone, her son, who was a prime sponsor on that bill. We thought it was a good idea. It is still a good idea and it has proven itself to be a good idea. This bill has nothing to do with that. This is a private individual who wants the state to fund some business she wants to run. That is totally wrong to give state money to one person to run a business. I don't understand why the other body passed this piece of legislation. I have got my suspicions, but this House delivered an overwhelming vote against this proposal. It was a bad idea two weeks ago and it is still a bad idea now. There are many reasons why this is not a good idea. We have had most educators in this body stand up and oppose this and unlike when pharmacists speak, I am going to listen to the educators and follow their light and realize that this is a bad idea. We have

choices to make. It is coming toward the end of the session and there are choices to make on funding. What you want to include on the Table, Part II Budget, this should not be one of them. Let's dispose of this bill now, get it over with and move on. Thank you Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative **NORTON**: Mr. Speaker, Ladies and Gentlemen of the House. I am a public school math teacher and I have been for 35 years. I am not questioning the value of this program. Anything you can do to excite kids about math or science is worthwhile. However, I would like to pose a question to anyone who can answer it through the chair. I, too, would like to join the good Representative from Montville, Representative Weston, in asking can anyone answer those questions. How is this money going to be used through the Math and Science Alliance? There is a question about ownership of this material and I certainly don't want to open anybody up, either this one or the Math and Science Alliance to any kind of suit in using material that is not legally theirs. If anyone can answer that question, it would help me tremendously in making a decision. Otherwise, I find myself having to be against this program. Thank you.

The **SPEAKER**: The Representative from Bangor, Representative Norton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Cummings.

Representative **CUMMINGS**: Mr. Speaker, Men and Women of the House. Representative Weston's perspective is an accurate one. The answers around ownership have never been adequately answered, at least in my mind.

The **SPEAKER**: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I don't think there is anyone here who is any more interested in education than I am. I don't think there is anyone here who has any better desire or any greater desire to promote programs that inspire youth to reach for higher goals. If this program were being offered by the Maine School for Math and Science, I would say let's give them the \$73,000 and let them run the program, because that is a legitimate organization that has the state's sponsorship. To give this money to an individual to run a program, which the state has no control over, has no ability to govern the management of this money, I think is just a bad idea. I would urge you to vote against this pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. This is a very good idea, as far as I am concerned. Several schools from throughout the state participate. They send some 1,600 students to this and I would like to comment on one word that has surfaced this morning and that is the word elitism. That is a killer word, as far as I am concerned. It has been used in the valley, the Madawaska and Van Buren schools by some people that resent the success of the bilingual project up there. What is wrong with challenging our students? What is wrong with raising aspirations? I would encourage you to vote for the Recede and Concur motion. Thank you.

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

ROLL CALL NO. 297

YEA - Bagley, Bouffard, Brooks, Bryant, Canavan, Chase, Chick, Chizmar, Clark, Colwell, Cote, Daigle, Davis, Desmond,

Dugay, Dunlap, Duplessie, Estes, Etnier, Fuller, Gagne, Gerzofsky, Honey, Hutton, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lundeen, Marley, Michael, Michaud, Morrison, Norbert, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Tessier, Thomas, Usher, Volenik, Mr. Speaker.

NAY - Annis, Ash, Baker, Belanger, Berry DP, Blanchette, Bliss, Bowles, Brannigan, Bruno, Buck, Bull, Bumps, Bunker, Carr, Clough, Collins, Cowger, Crabtree, Cresse, Cummings, Dorr, Dudley, Duncan, Duprey, Fisher, Foster, Glynn, Goodwin, Gooley, Green, Haskell, Hatch, Heidrich, Jacobs, Jodrey, Kasprzak, Labrecque, Landry, Ledwin, Lessard, MacDougall, Madore, Mailhot, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mitchell, Murphy T, Nass, Norton, Nutting, O'Brien JA, Peavey, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Sullivan, Tarazewich, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Andrews, Berry RL, Hall, Hawes, Koffman, Lovett, Mendros, Murphy E, Muse C, Muse K, Quint, Watson.

Yes, 56; No, 83; Absent, 12; Excused, 0.

56 having voted in the affirmative and 83 voted in the negative, with 12 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

On motion of Representative COLWELL of Gardiner, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

Non-Concurrent Matter

An Act Adopting and Implementing the National Crime Prevention and Privacy Compact (EMERGENCY)

(S.P. 545) (L.D. 1691)

Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on May 23, 2001.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

On motion of Representative POVICH of Ellsworth, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "A" (H-649)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. This is still a unanimous report out of the Committee on Criminal Justice. When we brought it to the body last week there was considerable worry that the information might be disseminated to sources that shouldn't have that information and the amendment does reiterate and expand the fact that information will be handled properly.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. This is a very good amendment. There were three privacy questions or concerns that many of us had. The first was, the supremacy of our state law versus the compact. Concerns also about rulemaking on the part of the compact and also access to the non-criminal fingerprinting/background check information. I had met with the State Police the other day and they had heard our concerns, working with the good chairman from Ellsworth, they had crafted a very good amendment that narrows in to those three concerns.

One concern I have and maybe I would like to have addressed would be on how flexible the system is in case state law changes and I would like to ask permission of the Chair to pose a question to the good Representative from Ellsworth.

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

Representative **MURPHY**: Thank you Mr. Speaker. Hypothetically looking, if the current teacher fingerprinting law, which applies to all school personnel is amended to say, for instance, new hires only, what would be the process or the drill that would be in place concerning this compact and that information?

The **SPEAKER**: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to the Representative from Ellsworth, Representative Povich. The Chair recognizes that Representative.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I am glad the good Representative from Kennebunk answered that question. I did know about this question. I do have prepared remarks for this question. I would like to give them at this present time. The compact will have no effect. The educational personnel's fingerprints are being retained by the State Police in accordance with Maine law. The educational personnel's fingerprints are not retained by the FBI. If Maine law were to require the return or destruction of certain educator's fingerprints, the State Police will comply with the direction provided for in Maine law. The amendment to LD 1691 makes it clear that fingerprints and other information used to process a national non-criminal justice criminal history record check may not be retained by the FBI.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. I, too, just want to stand briefly to say that this is a very good amendment. I think it deals with all the issues that I had with the bill and I hope will support it. Thank you.

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

Representative **TRACY**: Mr. Speaker, Men and Women of the House. I will concur with the previous two speakers, Representative Savage from Buxton and Representative Murphy from Kennebunk, that this does take care of my concerns and I would hope that you would support this. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative **LESSARD**: Mr. Speaker, Members of the House. I, too, support this bill with the changes that have been made. Having been part of the State Bureau of Identification in the past at the Crime Laboratory, I can assure you that the personnel that would be working with this bill will be sure to do what this legislation does. The legislation is appropriate. I would encourage you to vote for this. Thank you.

House Amendment "A" (H-649) was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-649) in NON-CONCURRENCE** and sent for concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 326)

120TH LEGISLATURE

SENATE OF MAINE

OFFICE OF THE SECRETARY

May 30, 2001

The Honorable Millicent M. MacFarland
Clerk of the House

2 State House Station
Augusta, ME 04333
Dear Clerk MacFarland:

Please be advised that the Senate today Adhered to its previous action whereby Bill, "An Act Concerning Managed Care Provider Agreements" (H.P. 336) (L.D. 426) was Passed To Be Engrossed by Committee Amendment "B" (H-589).

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

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act Concerning the Sentencing of Persons to County Jails"

(S.P. 354) (L.D. 1168)

Signed:

Senator:

O'GARA of Cumberland

Representatives:

POVICH of Ellsworth

O'BRIEN of Lewiston

TOBIN of Dexter

PEAVEY of Woolwich

GERZOFKY of Brunswick

MITCHELL of Vassalboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-277)** on same Bill.

Signed:

Senator:

McALEVEY of York

Representatives:

BLANCHETTE of Bangor

QUINT of Portland

SNOWE-MELLO of Poland

WHEELER of Bridgewater

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-277).**

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Resolve, to Allow Medicaid Reimbursement for Certain Drugs Without Requiring Prior Authorization

(S.P. 471) (L.D. 1535)

Signed:

Senators:

LONGLEY of Waldo

TURNER of Cumberland

Representatives:

FULLER of Manchester

BROOKS of Winterport

DUDLEY of Portland

LAVERRIERE-BOUCHER of Biddeford

DUGAY of Cherryfield

KANE of Saco

LOVETT of Scarborough

O'BRIEN of Augusta

SHIELDS of Auburn

NUTTING of Oakland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-254)** on same Resolve.

Signed:

Senator:

MARTIN of Aroostook

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

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-639)** on Bill "An Act to Increase Access to Health Care"

(H.P. 979) (L.D. 1303)

Signed:

Senators:

LONGLEY of Waldo

MARTIN of Aroostook

TURNER of Cumberland

Representatives:

FULLER of Manchester

BROOKS of Winterport

DUDLEY of Portland

LAVERRIERE-BOUCHER of Biddeford

DUGAY of Cherryfield

KANE of Saco

O'BRIEN of Augusta

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-640)** on same Bill.

Signed:

Representatives:

SHIELDS of Auburn

NUTTING of Oakland

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.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Hold Petition Circulators to the Same Standards as Political Candidates"

(H.P. 1000) (L.D. 1337)

Signed:

Senators:

WOODCOCK of Franklin

BROMLEY of Cumberland

DOUGLASS of Androscoggin

Representatives:

CHIZMAR of Lisbon

COTE of Lewiston

O'BRIEN of Lewiston
PATRICK of Rumford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-642)** on same Bill.

Signed:

Representatives:

LABRECQUE of Gorham
ESTES of Kittery
TUTTLE of Sanford
HEIDRICH of Oxford
DUNCAN of Presque Isle
MAYO of Bath

READ.

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

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

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act to Maintain a Centralized Database for Schedule II Prescriptions Dispensed by Pharmacies in the State"

(H.P. 532) (L.D. 687)

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

THOMAS of Orono
HATCH of Skowhegan
DUPREY of Hampden
RICHARDSON of Brunswick
BRYANT of Dixfield
DORR of Camden
MICHAUD of Fort Kent

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-630)** on same Bill.

Signed:

Senators:

YOUNGBLOOD of Penobscot
SHOREY of Washington

Representatives:

MORRISON of Baileyville
CLOUGH of Scarborough
MURPHY of Kennebunk

READ.

Representative RICHARDSON of Brunswick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

CONSENT CALENDAR

First Day

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

(H.P. 493) (L.D. 633) Bill "An Act to Provide Residential and Community-based Services Through the Children's Mental Health Program" Committee on **HEALTH AND HUMAN**

SERVICES reporting **Ought to Pass as Amended by Committee Amendment "A" (H-646)**

(H.P. 1250) (L.D. 1698) Bill "An Act to Amend the Laws Governing DNA Testing" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-647)**

(H.P. 1294) (L.D. 1762) Bill "An Act to Address Maine's School Facilities Needs" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-645)**

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

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

UNFINISHED BUSINESS

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

SENATE REPORT – Ought to Pass as Amended by Committee Amendment "A" (S-290) – Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Maine Health Data Organization Laws"

(S.P. 395) (L.D. 1310)

TABLED – May 30, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Committee Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (S-290)** was **READ** by the Clerk.

Representative SAVAGE of Buxton **PRESENTED** House **Amendment "A" (H-643)** to **Committee Amendment "A" (S-290)**, which was **READ** by the Clerk.

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

Representative **SAVAGE:** Mr. Speaker, Men and Women of the House. This amendment very simply just tightens up the circumstances under which an insurer can release information to a governmental entity to make sure that it is only released when law provides for that release. Thank you.

House Amendment "A" (H-643) to **Committee Amendment "A" (S-290)** was **ADOPTED.**

Committee Amendment "A" (S-290) as Amended by **House Amendment "A" (H-643)** thereto was **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-290)** as Amended by **House Amendment "A" (H-643)** thereto in **NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT – Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-286)** – Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (H-287)** – Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Amend the Laws Governing Term Limits"

(H.P. 697) (L.D. 901)

TABLED – May 4, 2001 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING – Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286)** Report.

Subsequently, Representative TUTTLE of Sanford **WITHDREW** his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report

The same representative moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative BULL of Freeport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. I would ask that you would oppose this motion. I am going to take a suddenly different tack on this issue of term limits. I personally am opposed to term limits. I feel they are unnecessary and I find them destructive to this institution. There are plenty of people in this chamber who have come into this chamber to serve by either defeating incumbents or replacing retiring members who left on their own right. In fact, I think if you look at the figures from the last election, the number of people that retired after the end of the 119th Legislature, there are more people required on their own accounts rather than being forced out by term limits. I feel very strongly that in order to eventually get rid of term limits, which I do hope does happen, it needs to come from the people and from the people only. This was enacted by the people. They set this up. They put this upon this body and whether you support or oppose term limits, I think it is important that we respect the will of the people and respect the fact that they put this into place.

I find that by extending term limits to 12 years it is only going to exasperate the problem. It is my hope that people will eventually come to realize the fallacy of term limits, but they are not going to do that by extending this out to 12 years. Twelve years I see as simply prolonging the pain and the problems that we have with term limits. For me wanting to get rid of term limits, the quickest and easiest way to do that is to keep the current limit at eight years so hopefully the people of Maine will realize that much quicker the mistake they made when they impose term limits on this body.

I would ask you to think long and hard about this bill. I do realize that the Minority Report that has been moved, the report of the good Representative from Bath, Representative Mayo, does have a referendum piece. I still argue that that is not good enough. If this is an issue that the people are truly interested in, they will bring it forward. Until that time, I think it is a bit politically arrogant of us to ask.

Ladies and gentlemen of the House, I would ask you to oppose the pending motion and also oppose the Majority Report. Let's put this to bed. As much as we may have differing opinions on term limits, even if you are like myself, opposed to term limits, I hope you would let them stand as they are and let the people

eventually come forward, hopefully, with a referendum to do away with them entirely. Thank you Mr. Speaker.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. First, this afternoon, I would like to thank the good chair of the Legal and Veterans Affairs Committee for changing his mind and moving the Minority Report. The only difference between that particular report and the original Majority Report is that Report "B" sends the issue out to the people to vote, either up or down. While I understand the remarks of the Representative from Freeport, I think by giving the people of the State of Maine an opportunity to vote on this issue, we are fulfilling our obligation.

Term limits came to the people of the State of Maine by a vote of the people. In no way should we, as a Legislature, make a change in them without allowing the people of the State of Maine to vote. To me, that is the arrogant attitude, not sending it out to the people for a vote.

There is one other thing that some of you may not have caught in this particular amendment. It goes out to the people to vote on November 2002 and that is a very key vote, upwards of a third of the people of this chamber at this time if all chairs were occupied are term limited out at the end of the 120th Legislature. They will still be term limited out because the vote will be in November. They will not be on that ballot. We are not doing anything to effect the people currently in this chamber who are, in fact, termed out.

Ladies and gentlemen, I would strongly urge your acceptance of the Minority Ought to Pass Report as Amended. Thank you very much.

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

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

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. There are appears to be three essential issues in this bill. One is whether or not to extend the term limits for legislators. The second is whether or not to extend term limits for elected officers. The third is whether or not to submit this to the people for referendum. I was wondering if anyone could answer my query, which is, the current issue we are debating contains which of those elements?

The **SPEAKER**: The Representative from Auburn, Representative Shields has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I guess for the good Representative's question, the present bill does take out the Executive Officer, the Secretary of State, Treasurer and Auditor that was in the original bill. It pertains only to members of the Legislature.

As the good Representative from Bath, Representative Mayo, had expressed to you, it will not include those of us who are being term limited in the 120th Legislature and it will go out to referendum in the year 2002. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Wheeler.

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

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. To anyone who may answer, does anybody know what the voter turnout was for this referendum question when it was on the ballot? I believe it was really low. I would like to

know what percentage of the Maine voters did turn out for this? Thank you.

The SPEAKER: The Representative from Eliot, Representative Wheeler has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Unless I am corrected, I believe it was between a quarter and maybe a third.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I rise today in opposition to the motion and I do so with all due respect for those who are proponents to eliminating term limits and want to modify them. I want to walk through the analysis on how I got there. I think it may be, at some point, that we get to the issue of removing term limits. Remember that our experience as a body and as a state, under term limits, has taken place under really unique historical circumstances. We have had an Independent Executive. We have had a tied body in the Senate. Our experience as a Legislature has been very unique over the last few years. I don't think we have enough historical perspective to do away with term limits at this point.

I would go to the particular arguments that are brought forward and ask this. I look around this body at the freshmen who are here to join us and do I see any lack of talent or commitment there? I don't. I see a terrific group of people who are committed, bright, able to learn this process, able to fight for their constituents and are able to fight for their constituents as effectively as most other members of this body. That, I think, is the core issue. I believe that the people of this state understood what they did when they enacted this citizen's initiative to cause term limits. They knew that they were going to withhold from us some of the legislative memory, some of the institutional strength of this body. They did that on purpose. It was done so that it would limit the power of leadership in this body. It has nothing to do with any personality that is here or was here two years ago or two years before that. This is a fundamental institutional decision that the people of this state made. They want this body to continue to be responsive to the membership of each of us and the people each of us represent. I believe they understood that when they adopted that initiative.

I would ask again, is there any problem with the freshman class? I don't see it. Is there a lack of institutional memory outside of leadership? Look at the members who are with us who have served before. There is Representative Brannigan from Portland, Representative Bruno from Raymond, Representative Estes from Kittery, Representative Matthews from Winslow, Representative Michael from Auburn, Representative Murphy from Berwick, Representative Murphy from Kennebunk, Representative Skoglund from St. George, Representative Tracy from Rome, Representative Tuttle from Sanford, Representative Usher. I think there is already a wealth of memory within this body. What we are looking at is a decision of how this body will be organized. What will happen with leadership. I am convinced it was a conscience decision that was made by the people and I am not prepared to step back from that even through referendum at this point. I hope you will join with me in opposing this motion. Thank you.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. The good Representative from Old Orchard Beach made two significant points. First of all, when he pointed out the quality freshman that are here this year. It almost implied, however, that that hasn't been the case historically. Every new

session there have been new people of great quality. Second of all, he makes another fine point that this House has a good number of Representatives who have served in the past, which kind of leaves me questioning whether or not the people really do think term limits are important if they thought limiting the number of terms folks served down here was important. Would they send these people back so readily? The folks I talked to back home aren't so sure that they made a good decision.

One other point, we have on more than one occasion turned right around after the people have made a decision in referendum and sent bills out for them to make another choice on of the same nature. We did that just recently, as a matter of fact, a people's veto. They overrode a decision we made and we came right back and asked the people to make the same choice again. Term limits haven't served the state very well at all. We have lost some really good institutional memory that we couldn't afford to lose. They were people that didn't want to leave this body. There are large numbers of us that will not serve very many terms. I would urge you to support the Majority Report and make the decision here, show some courage. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. We know how term limits came into effect. It was all due to one individual that certain people wanted out. It was the Speaker of the House for 30 years. It is unfortunate because the whole State of Maine is hurt over this. In a time when we are trying to encourage voter turnout, term limits are discouraging it. After eight years they know that this individual is gone and they don't need to show up at the polls, there will be a new face in here. I have talked to my constituents and a lot of them have agreed that term limits is a bad thing. I am not taking away from any new members that are here or any new leadership, because everybody is doing a great job, but it is showing in committee work, whereas bills that some of us have seen that have been on the same committee year after year come back knowing the fate of them and the time that is spent rehashing out an argument that you had two years ago. It is a waste of the taxpayer's dollars. It is not real. It is time that we took a stance. This is why we are here. This is why we are elected. It was a vote taken on a referendum question by a very small group. There was not a large voter turnout that year. We should stick up for all our constituents and make Maine a better place to live.

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **MICHAEL**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, does anyone in the body know what the percentage of vote was in 1993 in favor of the state term limits issue?

The SPEAKER: The Representative from Auburn, Representative Michael has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Ladies and Gentlemen of the House. I think the good gentleman from Auburn knows the answer to that question himself and maybe he could inform us.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. I find myself in a quandary on this bill. I do not like the Minority Report and I don't like the Majority Report either. If I vote against the Minority Report, it is sort of voting for the Majority Report. I think I am in a position a lot of people are in here. They don't know which way to go. I will echo a lot of the comments my good friend from Old Orchard Beach made. The only way for me to vote the way I want to vote on this is to move Indefinite Postponement of this bill and all accompanying papers.

Representative **DUPREY** of Hampden moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative **TUTTLE** of Sanford **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Fairfield, Representative Tessier.

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. I hope that you will vote to not Indefinitely Postpone it and move on to accept the pending motion. For me, as I look at this situation, if it were true that the citizens of Maine were truly upset with the way that the Legislature was being run. The number of people that were returning got together, raised money and fought this out because they firmly believed it, I would feel very differently. The truth of the matter is that we all know how this came to be. It came to be because an outside organization came in, as they did from many other states, and pushed this initiative. We also know that the funding came primarily from one individual here in the State of Maine. We know also that the tremendous public selling of term limits came from the funding that was given by primarily one individual. We continue to get mailings from the same outside group. Every time we run, we get this, will you sign this document pledging to support term limits? We get it all the time, every time we run. It is the same group.

I don't like the idea that some outside group has come in and decided what is good for the State of Maine. I think Mainers should decide that. If we put it to a referendum, they will. They have had time to look at it. Hopefully we will have a different funding source. It won't be the same organization from outside that will come in and fund to defeat it. Let the people truly decide. Thank you.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I have heard several comments about letting the people speak again. I am in favor of putting this out to referendum question one more time because my constituents are saying to me that, I wish I hadn't voted the way I did. I wish I had an opportunity to vote on this again. That is what I am hearing repeatedly. I think that some of the rest of us have also heard that. I would urge you not to vote for the present motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Young.

Representative **YOUNG**: Mr. Speaker, Ladies and Gentlemen of the House. When this came up for referendum a few years back, I voted for term limits. My decision was based on hearsay, rather than fact. If I were to have this come before me today, my vote would be different. I would vote not for term limits. Why would I do this? In coming down here I chose

Banking and Insurance thinking that coming from the banking career, I would have all of the answers. I had no experience whatsoever in insurance. I have found it very difficult. I have worked hard at it. I often think to myself where would we be if we did not have the people on this committee that have been here for two or three terms. Some of them will be termed out probably in another term and they are probably just getting there so they have all the answers. We would have been crippled this year if we had not have had them. I ask you to please not support Indefinite Postponement and support the Minority Ought to Pass Report. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. As a private citizen when I saw this on the ballot I voted against it because I felt at the time that a community should have the right to choose its representative that it would send to the State Legislature. That choice should not be impounded in any way by the desires of citizens in other districts not to have that Representative before the Legislature. I felt that way then and I feel that way now. There has been an awful lot of talk about the value of term limits and the dangers of term limits. In my time here, I have observed some great things happen in the Legislature. People at home ask me what I think about term limits now and I tell them what I believe it to be is the law of the land.

I think the Legislature is a strong enough institution to survive term limits, but where I think the danger really lies is in the future for the higher offices. Who would run for Congress in the United States Senate with this Legislature with so little experience and so little exposure to the public?

Also, I think there has been a little bit of a misconception in the public eye about what they intended when they voted for term limits. I think people who are unfamiliar with the Legislature were somehow led to believe, either through their own misconception or perhaps the way the issue was presented to them, that people who run for the Legislature are elected and stay here for the balance of many decades. I think that that has been proven to be untrue.

I did a little bit of research on this last time when we were talking about this and I found something very interesting. In the 117th legislature, for example, of the 151 members of the Maine House of Representatives, 121 of them had fewer than two terms of experience. Of the remaining 30, only two had more than 20 years of experience and that was the former Representative from Eagle Lake, Representative Martin, and the former Representative from East Corinth, Representative Strout. One was a Republican and one was a Democrat. Most people, apparently, have tended though history to run for the Legislature, serve for a term or two and then return to private life.

As a result, going back through the years, I found that in the 116th Legislature, there is a combined total experience of 698 years. In the 117th Legislature, it dropped to 512 years, because many people chose not to run again rather than be termed out. In the 118th Legislature, it fell again to 340 years. It started to turn up again in the 119th Legislature. The combined years of experience rose to 438 and now with the 120th Legislature, it has risen yet again to 471. I think what we are seeing here is the exact opposite of the will of the people. They sort of planned on people serving less time in the Legislature. It seems as though people tend to be serving more time in the Legislature, knowing that they only have four terms, they elect to run, seek office and plan to hold it for four terms. In the previous time, when after a term or two they decided that it really wasn't for them or they had other things to do and now people try to stick it out for those four terms because they know that they will

probably will never serve again because of term limits. The actual opposite affect has been realized of limiting the number of years that people serve in office. We have in a defacto sense created by eight year terms. People who would otherwise challenge incumbents do not do so because they just wait their turn. They wait for the person to be termed out rather than face a challenging election.

I think that is something to think about when you are talking about term limits. I will vote for this. I would just as soon repeal term limits. I don't agree with them now any more than I did several years ago when it was on the ballot. However, I think this is a step in the right direction. Certainly sending it out to the people rather than giving due reconsideration to it, I think is a fair enough way to manage that. I would urge people to support the bill and vote against the pending motion.

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

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

The SPEAKER: The Representative may pose her question.

Representative **LABRECQUE**: Mr. Speaker, Men and Women of the House. To anyone who might answer, would somebody please read how the question will appear on the ballot?

The SPEAKER: The Clerk will read the question.

The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I should not be correcting the good Clerk of the House, but there was a mistake in what she did read. That was prior to the final amendment, which was before us and it removes the Constitutional Officers. They are not a part of the amended Part B.

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

Representative **LABRECQUE**: Mr. Speaker, Men and Women of the House. I am really concerned about the wording of this. First of all, it doesn't say from four to six terms and it does not say consecutive. I am concerned that we may be accomplishing something here that we don't intend.

On further motion of Representative **TUTTLE** of Sanford, **TABLED** pending the motion of Representative **DUPREY** of Hampden to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

HOUSE DIVIDED REPORT – Majority (9) **Ought to Pass as Amended by Committee Amendment "B" (H-614)** – Minority (3) **Ought Not to Pass** – Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Change the Truancy Laws"

(H.P. 560) (L.D. 715)

TABLED – May 29, 2001 (Till Later Today) by Representative **COLWELL** of Gardiner.

PENDING – ACCEPTANCE OF EITHER REPORT.

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

Representative **BULL** of Freeport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. I just wanted very, very quickly to bring people's attention to this so they understand what they are voting on. The Majority Report, which I know they are trying to fix, the portion that bothers me is that this is another attempt to require the revocation of both driver's licenses and professional licenses for students who are truant. I just do not feel that this is an appropriate policy for the state to be doing. I urge you to vote against the pending motion. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative **RICHARD**: Mr. Speaker, Ladies and Gentlemen of the House. We have a little problem here. If the gentleman next to the gentleman who just spoke could speak, he would offer an amendment that would take care of that.

Representative **WHEELER** of Eliot moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. I am a member of the Education and Cultural Affairs Committee, but apparently I was truant on the day this was taken up so my name doesn't appear on the report. If it did, I would oppose making more stringent truancy laws. It seems rather ironic to me that we build \$30 million high schools and in many cases put police officers inside to make sure that people behave and then we have to force people to attend these model schools. There is something wrong with that picture and I don't think it will be corrected by increasing penalties for truancy.

I would like you to think a little bit more about truancy. Having been a teacher, I know what a nuance it is not to have students show up on a regular basis. I think part of that is after we put all of this money into a model school and put all of the effort into it, it is rather offensive that these ungrateful little wretches don't want to come for instruction.

I think the real problem is, I don't minimize it, in some urban areas and in some rural as well is young people who aren't in school may be up to mischief. Let's prosecute them for mischief, but not for non-attendance at school. Think about it. My mother who was a good student, I presume, didn't start school until she was seven. At the age of 11 she entered high school. Now a days, of course, that wouldn't be done. She had skipped over half of the time. In other words, she was not present for the entire third grade, fourth grade and fifth grade. She was truant, as a matter a fact. She just wasn't there, but it didn't seem to matter. I wonder what we really are worrying about when we want to take licenses away from young people who are truant and if there may not be a better way to handle it, such as leaving it up to the individual school districts and if we do such dire things as strip young people of their licenses for truancy. What are we going to do to them when they really do something that is criminal? I really think this is an over reaction. I don't want to minimize the problem and trivialize it. I think we should look at in a different way other than increasing the punishment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. It is not a very desirable position to be in to get up and follow the previous speaker. I really can't add a lot of comedy to this because it is a very serious matter. I brought this bill forward. It wasn't just because I woke up one morning and decided that it would be good to look at the truancy laws. Over the summertime I was contacted by the local school officials in the Town of Lincoln. I had several meetings with the principals, the superintendents and we discussed truancy and some of the

effects that truancy has had upon our local area. I think that most of us would agree that if you have young people that don't attend school and they don't get an education, they become a liability to society. Those people tend to be the people who are on food stamps. They tend to be on the different types of aid that we provide. I think all of us want to make the most of what we can for those people so that they can take care of themselves and not that society should have to take care of them.

The other thing that happens when these people are not in school is that they are doing other things. Many of those things that they do are causing trouble for the rest of us. I sat down with those educators and we came up with some suggestions. I put that in a form of bill for the Revisor and took it to the Education Committee and basically what we are trying to do is to try to make it so that we can keep students in school as long as we can and teach them and give them an education as long as we can.

Some of you, I know there is a lot of educators here, are familiar with, but a lot of you aren't as well. It is a long procedure to be declared a habitual offender of this truancy law. To be a habitual truant, you have to be absent without an excuse for 10 consecutive days. After that, the principal contacts the student and works with them and tries to get them to go to school or to provide an alternative education. If that fails, they then go to the superintendent of schools and the superintendent goes through the same thing. They try to get the students to school or if not, they provide an alternative education. It then goes to the school board if that is not successful. Ultimately after we go through all of these steps, which takes a long time and there are several discussions with parents and students as well, then they can be taken to court. Once they get in court, there is really nothing that can be done, other than say we would offer you a ride to school. We would like for you to go to school, but there really needs to be something there to encourage these people to go.

I know the Education Committee has worked hard on this and tried to come up with some type of a solution for this. There were some concerns because the original bill had suspension of the parent's license as well. I can understand the problem that that might cause, but we believe that has been corrected if this bill is allowed to go forward. We think that we can take care of that.

One of the things that stood out as I attended quite a few workshops and public hearings just trying to get this bill through was that there are a lot of other problems that are going on in our schools today. As I listened, I noticed that many times the MEA, the Maine Principal's Association and the Superintendents were not in favor of many of the bills that were being brought forward. One of the members brought it to my attention that there has to be something good in this bill because all of those people were in favor of this, including the MEA, including the principals and their superintendents. Before you vote to Indefinitely Postpone this bill, I would ask that you would give us an opportunity to move forward with an alternative that the Representative from Portland, Representative Cummings, has and give him an opportunity to speak on this issue. I would ask that you speak against the Indefinite Postponement of this bill. I do believe it has some good for our students and our society in general. Thank you Mr. Speaker.

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

Representative WATSON: Mr. Speaker, Men and Women of the House. I am on the Minority Report and I am going to ask people to please vote for the Indefinite Postponement of this bill. In my mind this is what is termed as a bad bill. I am going to give you a little history about the first bill that I ever presented in the 117th Legislature. It had to do with truancy. It was brought

to my attention by one of my school administrators that what we had on the books in terms of truancy was punitive and it was directed towards the parents of the delinquent student, a truant student. He felt that law that had been on the books for, I can't even remember how long, was basically a waste of the paper that it had been printed on. To his knowledge and in my questioning, the District Attorney in Kennebec County, no parent had ever been brought before the court for having a student or a child that was truant.

When this bill was brought before the committee, and I respect certainly the efforts of Representative Carr, truancy is a problem in this state. I will acknowledge that. The Department of Education acknowledges that. This is the wrong approach to take. The original bill was even more punitive in regards to the parents. It said the courts shall take away their licenses, driver's license, professional license, recreational licenses. Members may not know that that bill was reported out of committee and then was re-referred back to the committee because there were some on the committee that felt that legislation was wrong headed. It went back to committee and the committee decided, the majority, that instead of going after the parents, they should go after the child.

I was in agreement to a certain extent. In fact, if you have a student that was 12, 13 or 14 years old and decides to become habitually truant, that student should be responsible for his or her actions, not the parents. They are old enough to be responsible for their actions and to suffer the consequences of their actions.

This bill is directed, obviously, more towards the students in their behaviors. It does give some leeway to the judges and their district courts as to what they might recommend. Obviously if a student is 12 or 13 or 14 years old, they are not going to have very many licenses to revoke. The court can obviously order them to go back to school. This punitive approach, in my mind, is the wrong approach. Those school personnel or associations that came and testified in favor of it, and even the Department of Education, who was in support of it, was rather surprising, because, in fact, this problem belongs with the Department of Education and with the schools and not with law enforcement.

I have spoken with an Assistant District Attorney, not in my county, about the process if this bill were to pass. He went through step by step what it would take to pick up a student and charge them with truancy. I won't go through the steps, but at the minimum, it could take at least four hours and a maximum of two days to actually do the paperwork that is required by law enforcement to serve a warrant that is signed by a judge to actually charge a student with truancy.

I am bringing this up because I have served on the Judiciary Committee for four years. I know that when we had nominees of the Governor's for judgeship, we had an opportunity, as we always do, to question them about the court system that I certainly had never been part of and don't understand the ins and outs. One of the things that most all of the candidates, whether they were up for re-nomination to the bench or the first time impressed upon me as a committee member, was how filled up the courts are with cases of severity that highly impact upon people's lives. I was proud during those four years that we established, for expediency, around family conflicts of family court systems and perhaps, as some people think, we can take truant students and we can put them through the family court system. They are already overworked trying to take care of custodial issues and other family issues that are the highest regard.

I don't know about you, ladies and gentlemen of the House, but truancy is an issue that we need to face and the Department of Education needs to face and they have hired someone to work in the department now in regards to truancy dropout and alternative education. That new employee, that woman who has

extensive experience, in a major urban school district in this state has promised our committee that she will, with the Department of Education, look at this issue seriously and come up with some solutions that do not fluff it off to the department or the school district onto law enforcement. I do not think that this is the place that this issue belongs. I think we are talking about kids that are in trouble. We are talking about families that are in trouble. I don't think that putting them into the correctional or into the judicial system is going to be very helpful. There are other alternatives, and schools have at their disposal other alternatives that they should be using.

I have gone on much longer than I thought I would, I apologize because of the time. I would urge people to please Indefinitely Postpone what I feel is a very bad bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Blanchette.

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I find myself in complete agreement with the good Representative from Farmingdale, Representative Watson. This is a bad bill. It is a bad bill that shouldn't be put on the books. I have to associate this with the fact that we are standing here arguing about the fact that we don't want to take home rule away from people. Big daddy doesn't need to be there sitting over our shoulder. I find it ironic that the Maine Principal's Association and the Education Association is asking us to put a bill on the books that cannot legally or will it be practically enforced. We are making a very, very broad assumption that all truancy is committed by youth that are old enough to hold a valid Maine driver's license. This, in fact, is not the case. There are many trancies in the middle schools with children from age 10 up to through 15 and they are every bit as much a problem to the school administrative districts as the teenagers that have a valid Maine driver's license. This is a problem that needs to be handled by the Department of Education and the different school administrative districts and SADs throughout the state.

We cannot and should not put a bill on the books that cannot be enforced and is not going to be a good law. I have a serious problem with the Legislature saying that we will remove someone's driver's license for something that is not a motor vehicle violation. That is not the intent of it. Those are for serious offenses only. I would encourage you all to look at this and say is it enforceable? Will it do what we intended to do when we attempted to draft this bill? No. It will not. Vote to Indefinitely Postpone this bill and retire its papers to the basement where they will never be seen again. Thank you Mr. Speaker.

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

Representative **QUINT**: Mr. Speaker, Men and Women of the House. What is next for truancy? I haven't heard any information that supports that taking a student's license away from them will, in fact, make them come to school, go to class, learn the material and then graduate from high school is all what we would like them to do. I don't know of any data, either in the state or nationally, that says that taking a student's driver's license away from them will motivate them, turn their lives around and get them to attend school. If there is any long-standing data that supports that, I would like to see it.

We are talking about non-traditional students that are very challenging and that don't fit into the standard educational process that is now in place. We see them on the streets. We see them being truant. We see them using substances. We see them in the Corrections System and, in fact, some of them commit suicide. Non-traditional students who are troubled need alternative education, not punitive action.

Behavior modification does not come from removing somebody's driver's license from them. In fact, I would wager that once you take their license away from them, they are still going to be truant.

I also would like to pose a question through the Chair if I may?

The SPEAKER: The Representative may pose his question.

Representative **QUINT**: Thank you Mr. Speaker. Does the Secretary of State's Office have an opinion on this issue and what were their concerns? I would also like to request a roll call.

Representative **QUINT** of Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Rome, Representative Tracy.

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

The SPEAKER: The Representative may pose his question.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. To anybody out there who is willing to answer it, if the individual student has reached the age that they do have the privilege to have a license in the State of Maine and they should happen to lose their license or have it suspended through the Secretary of State's Office and they do happen to have a job, which most high school students do, and they do happen to need that automobile, especially in the rural area where I come from, if you are going to go to Waterville, it is approximately 21 and 23 miles, depending on which way you go. Do they have to ask the Secretary of State for a special license to get back and forth to work or do they lose their job along with having their license suspended? Thank you.

The SPEAKER: The Representative from Rome, Representative Tracy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. In answer to the question, the suspension would be handled like all other suspensions. People who are suspended for financial responsibility for being in an accident without insurance, for being caught for OUI or continuous motor vehicle violations. The process would be that they would have to pay a reinstatement fee and go through the process the Secretary of State has set up. That is how it would be handled.

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

Representative **TRACY**: Mr. Speaker, Men and Women of the House. I would like to thank Representative Carr for answering that question. That is what makes me have a grave concern about what we are about to do here. I would say that truancy is probably a problem, but I would ask the people in this chamber to Indefinitely Postpone this bill. Let's not take the jobs and stuff away from the students. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. My motion comes from working on the Part II Highway Budget and the deficit that we have in it now trying to balance the budget. This bill will add more work to the Secretary of State's Office and there will be a fiscal impact. We discussed a bill last week, I won't mention the name, but I know a lot of you will remember it, and it supposedly created 12 positions in the Secretary of State's Office, which it didn't and that was an increased cost.

Number one, this is a new program that as time goes on is administered more and more each year and it will add positions and it will add more of a deficit to the Highway Fund. This is a local issue. This should be handled at the local school board level and at the parent's level. For those of us who are parents, we all know that we can handle our kids. We can make our kids go to school. Truancy is a problem. There are those that won't, that will choose to go a different road, but they need guidance in a different way than taking their license. I ask you to please vote for the Indefinite Postponement. Thank you.

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

Representative **CUMMINGS**: Mr. Speaker, Men and Women of the House. Today I think we should begin by defining truancy, according to our own laws. Ten unexcused straight days of absenteeism from school. It is a serious issue. Those of you who are worried that this particular punishment for this is not adequate to the age level, most of, in fact, 75 percent of that habitual truancy comes at 16, 17 and 18 years old.

I understand the philosophical opposition to not trying to take driver's licenses from adults. It makes sense, but Representative Carr has put forward a bill that also makes sense and it is because there is a relationship between the driver's license, a hunting and fishing license and the habitual truancy from school. It is common sense. For those of you who don't like having some teeth in the law, the first step ought to be for us to take the law that has been on the books for 40 years and take that off the books. We have had a truancy bill at the state level now for four decades and there has been no teeth to it. There ought to be teeth to it because the consequences of failure to attend school are severe.

When the Maine Principal's Association, the Maine Educator's Association, the superintendents, the school boards and even the DOE all agree on something. It does get my attention. It says that if we are going to take education seriously in this state, the teachers, the principals, the superintendents in this state need to have a last resort, implementation, that the court systems also can use to help defend against truancy.

For those of you who say that the argument is that they must go to work, I say to you they must go to school and then they go to work. This common sense bill is related directly to the revocation of driver's license. It can be directly related to the revocation of other licenses because the truancy itself, unlike bomb threats, can be correlated to that truancy. I hope you will give this consideration and put some teeth into a law that has existed for too long without teeth. Thank you.

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

Representative **WATSON**: Mr. Speaker, Men and Women of the House. I just needed to rise for clarification and I appreciate the remarks by my colleague, Representative Cummings, but there is, in fact, a process to remove a license from an underage driver who has a valid license. When a new driver gets a license, I don't know how many parents know this, but you turn the license over and there is a place for a revocation of that license that can be signed by the parent and sent into the Secretary of State. Parents already have a parental right to revoke a student's license if they are under 18. I don't have any statistics from the Secretary of State's office on how many parents in this state have done a revocation of their underage student's license because, let's not talk about truancy, but let's just say that that kid didn't make the grade point average that was expected from those parents. Parents have the ability. They have the big sticks. All it takes is for them to sign the back of that and to send it into the Secretary of State. How many of

us know of a parent that has done that? How many have used that revocation as an incentive for their student to either do better in school or let's just say go to school? There is a mechanism there. I don't know who thought it up, but it is another one of those mechanisms that obviously isn't very well used or used often enough.

I, again, remind you that this is not an issue for law enforcement at the local level in the district. We already have at the local level law enforcement that are overburdened enough just keeping track of school safety issues. We are now asking them to do even more. This needs to be handled within the school district by those duly elected school boards, by those school superintendents, by those principals. If they need to beef up in those schools, what they do as far as affording every student an opportunity for an education, then I say they have the power right within the districts. They do not need to go to law enforcement to do their job for them. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I would start this particular subject this afternoon by saying that my first experience with the word that I hear mentioned here this afternoon was in probably October 1949. This is at the school. In the town where I lived had been in session since September. The evening that the subject was mentioned by the superintendent, the board with three people, involved several people that came under the word mentioned, which I learned by using it that evening. I was told by the superintendent that I was speaking about attendance. Ever since then, I have always used the word attendance. The subject was brought up because of attendance of these young people. The underlying reason was it was fall of the year and their families were trying to provide for the winter and it required their presence at home to harvest.

I will also say that over the years that I was involved with school committees, attendance was, and still is, something that gets a lot of attention in school boards. I don't know how many of you people are listening here this afternoon, but I am talking about an actual experience. I am not up here on a fishing trip. I certainly would recommend that we use more kindness to these situations. I can tell you that the Department of Safety currently can't find dead beat dads that are working, driving their cars without a license and also when I hear some of these suggested methods of controlling attendance, I would remind you of what happened in history to the stocks and the whips and the trials in Salem. I think we need to be current and realize that this is one of the problems that we have to work with with our young people. There are others that I don't need to mention.

My experience has been, even since I served in this body, that I amassed to take part in parent's problems with attendance of their children in school. I have found the people that I talked to in the school systems now, I will say in District 60, have been very cooperative and understanding and I can personally tell you that some of the situations that this particular law would have given up on and caused more trouble or corrected by another method. I would sincerely ask you this afternoon not to go back and remember situations that possibly you were involved in. I can say that in the time that I attended school, I never skipped school. It wasn't because I was treated harshly at home, it was that I never skipped school. I don't have any axes to grind with something that happened many years ago. Please, let's go and put this away and try for something more humane in solving this problem. Thank you.

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

Representative **QUINT**: Mr. Speaker, Men and Women of the House. I had the opportunity to participate on a city wide truancy group of people in Portland who were trying to deal with this very issue. One of the things that I discovered is that truancy is, in fact, regional. There are different reasons for why students are truant. We discovered although it is interesting that the data on truancy and who these kids are is shaky at best. There is not a standard way of collecting this information and I bet that we really don't know how many people meet that truant criteria. That is what we discovered in Portland.

We discovered that the kids who were truant in Portland, the large majority of them were poor. English as a second language was an option for them. It made it difficult for them not to be in school. We also discovered that in Portland we had a problem with middle school students. The fact is, it is probably true that some of them are 16 or 17 or 18, but for a variety of reasons kids can, in fact, miss more than 10 days of school, consecutively, for a variety of different reasons. Having grown up in Aroostook County, I think that the reasons for truancy at Houlton High School or the middle school there might be different. English as a second language is not so much of a problem there and although poverty exists, it is most prevalent there as it is in Portland.

To have a standard cookie cutter approach to take licenses away from people who meet the definition of truancy, I would suggest is not going to work. We really don't know exactly who these kids are. We can speak generally about them, but I can assure you that a large majority of them are poor. They come from very unstable families and taking their licenses away from them are not going to correct any of those things. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative **LESSARD**: Mr. Speaker, Men and Women of the House. Regardless of how you vote on this issue, it has been my experience and I am talking strictly in regards to the habitual truant, unless you get that individual into a system where there are sanctions involved. That is to be decided what kind of sanctions do we apply to the youngsters that will not stay in school. That can be held at a local level, I believe, but then you have the possibility of runaways. We have dealt with this many times. They runaway because they cannot conform to what the rules are for attendance at school or their parent's rules at home, but they must be in a system where there are sanctions to be applied, meaningful sanctions. That is the key here. What kind of sanctions do we apply that are meaningful for that individual to allow them to stay in school? Thank you Mr. Speaker.

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

Representative **MARLEY**: Mr. Speaker, Ladies and Gentlemen of the House. This is exactly the population of students that I work with. I was moved to a pilot program in South Portland schools, an area that I don't represent, and it is due to the large number of truantries that we had in the district. On a daily basis, I have parents that say that they need this as a tool, unfortunately, with their children. I teach at the middle school level, but I follow my kids throughout high school and unfortunately there is a number that drop out as well. There is a coalition because, as Representative Glynn of South Portland mentioned, they miss a lot of school. You have to have a significant number of days absent that you are considered truant. The lost instruction time adds up over time so a lot of time I am spending time trying to catch them up to a middle school level

curriculum. These are students where many are poor, many are middle class and many are what you would consider wealthy students. You would look at the same thing as far as you have students with average IQ as well as superior range IQs that fall into this range.

I believe this is a bill that has a need behind it. We talked about behavior modification here as well. Don't forget that with any behavior modification, there has to be a carrot and a stick, unfortunately, for students or any adult, any person, to react to it.

The final point that I would make is let's not forget that driving is a privilege, not a right. There are responsibilities that go with those privileges. If we don't have the students get a good education now, unfortunately, these students are going to find that when they get to the high school level, they are going to be losing days, losing credits and they are going to refuse to be in school longer for those credits. It is going to have basically the effect where you are going to see a lot of dropouts and that is the effect from my small sample of students, probably 50 students, have gone through my program and a number of them still do end up dropping out. The final thing is we are barely funding education currently at an appropriate level. My program is a big ticket program. It costs a great deal of money for these students. The sooner you can intervene with these students, the better. The less expensive it will be and the better their educations will be. While I reluctantly support this, speaking of the juvenile justice system, the juvenile justice office is my district and the resource officers in our building also feel this is a tool that they could use.

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

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

The SPEAKER: The Representative may pose his question.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. If I am over 16 years old, do I need to be school in the State of Maine?

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

Representative **BERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I enjoyed that quick answer from the entire body here. This is such a great and wonderful concept, keeping students in school, but this is not how you do it. You create programs. You create systems. You create an alternative system like we have in Belfast where students will stay and they are allowed the flexibility. You are going to force people to stay in school who are 10 years old because you are going to take their driver's license away from them. Excuse me? There is a little problem here. They don't have one.

This is not going to be a solution. After rising against my good friend from St. George this morning, I want to rise with him now in supporting, because he is absolutely correct. This is not a solution. You must offer a program and you must offer programs for students that will bring students to the schools. You must also be honest in the fact that some students will never find a piece of interest within that body. Whose fault is that? We can't determine that. It is something that happens from the neck up within that student. What needs to happen is that something needs to happen from the neck up to cause positiveness in that student about the educational environment that they are in. This does not cause positiveness. This does not solve any problem whatsoever with these students.

One of my colleagues here on the floor, and there have been several today, have talked about the fact that this really, truly is age discrimination as far as who it affects. I taught mostly

juniors and seniors. Those are the people this affects when you are talking about private life. It doesn't affect anyone below that. This is an issue of that individual finding something within that system that encourages them to be part of it. This does not do that. This is something that will not work to cause that feeling to be generated. That feeling is generated within a classroom with a teacher somewhere, sometime, somehow, who turns a student onto education. Laws don't do that. You can pass every law you want to. You cannot legislate intelligence. You cannot legislate a move to become part of the system called education. That has to happen in this body. That body being the body of the individual who is being exposed to it. I would urge us now to move forward and I have a sign that used to hang in my classroom that now hangs in my house and that sign says, "June is tomorrow." We used to celebrate this day with a great big cake in my classroom. That sign hung there from September on because time moves and if we don't move, it will be June. Thank you Mr. Speaker.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. I think the former speaker, well, I would have of to disagree with him when he says that we need to develop things from the neck up to get kids to attend school. I think that certainly there was a time in this country, certainly in this state, when it was something that affected an area from the waste down that kept kids in school and it involved a big stick. I would probably go on and tell you about the number of times that I might have missed school when I was in high school, but it seems as though every time I get real honest on this floor, lately, I end up on MPR or some radio talk show the next day, so I won't go there.

Representative Skoglund launched this debate talking about his mother having missed several years of school and that is probably very true. Those were different times. I doubt very much that the good Representative's mother ever heard of Oxycontin, Heroin, let alone be associated with those things or the abuse of them. Those are problems that reach out and touch every community in this state. If you think for a moment that they don't, ladies and gentlemen, you are sadly mistaken. These problems are very real. The problems of today are very different than the problems of yesterday.

Representative Watson said that there is a method to remove a child's license. Parents just have to turn it over, sign it and send it in. I think I would lay before the body that truancy, again, let's define this, being absent from school 10 consecutive days. I don't imagine that if a kid is absent from school 10 consecutive days, mom or dad have a clue where their license is, let alone have the ability to turn it over, sign it and send it into anyone. It is not going to happen. They need some help. I think this bill offers that.

Representative Tracy asked, can these individuals get their license? Do they have to go through the process? Can they get a provisional license to get back and forth to work? That is a concern for him in his district. Sure they can. They can apply for it the same way anybody else who loses their license can apply for it. It is a provisional license to get to and from work. Is that reasonable? Sure it is. That is why that law is there.

My friend Representative Chick says that we need to be current. I think we all agree with that. We do need to be current. Currently, the most precious piece of paper that a kid in high school owns is that driver's license. I hope that we can defeat the motion that is on the floor so that we can go on to look at options for this bill. I think just judging from the length of the debate, we all recognize something needs to be done. There are

other options. We just need to move forward to get there. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Dorr.

Representative DORR: Mr. Speaker, Men and Women of the House. If you think it is hard being an adult, remember what it was like being a teenager. I would submit to you that kids who are truant are not the happy, well adjusted kids. I think that we can't legislate inspiration. We can't legislate a perfect system for what is going to keep a kid in school, but I think the kids who are truant have felt enough sticks. They have been through enough pain. I think we need to be compassionate. I don't think that this is the way to do it.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative CARR: Mr. Speaker, Men and Women of the House. I do just want to go down through a couple of things that have been mentioned. There may be some misunderstanding on some of these things. There are a series of events that have to happen after being declared a habitual truant, which is 10 consecutive unexcused days. There is a meeting with the principal and the opportunity for them to work out something so that this child continues going to school. If that is unsuccessful, then they go to the superintendent of schools. The superintendent goes through the same system and tries to do the same thing. If that is unsuccessful, then it goes to the school board and they do that with the opportunity to try different types of education and things like that.

Another thing that we need to remember is the part that we just put in, is a part of last resort. This is when nothing else has been able to work and it is a last resort. That system is already in place. The only thing that this particular bill and amendment would do is add a little piece to this, because already the police can issue that summons. This is nothing new. It can already be done. The difference is once they get in court, it allows that judge to have a little flexibility and say that if you do not go to school, I have the authority to take your license. If you don't have a driver's license, you may have a hunting or fishing license and those things can also be suspended by the judge. That is all this does. I am sure that we all have the same feelings for these children and I know that we are all here for the same purpose, and that is to try to make things better for these young people and to make sure that they get a proper education because one thing is for sure, if they don't get that education, they are not going to be able find a job, a job that pays and they are going to be the people who are looking to us for help in the future. I do think it is a step in the right direction. It may not be the answer to all, but I do think it is a step in the right direction. If we find that it is not, then certainly we can change it next time. Thank you very much Mr. Speaker.

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

Representative BELANGER: Mr. Speaker, Men and Women of the House. My good friend from St. George sent me a note saying that he really wanted me to share. He saw me sitting over here grinning, so I will share. The real problem was really touched upon by the good Representative from Bangor, Representative Blanchette, when she talked about laws that are unenforceable. This is the problem. We have a law that says children that are between the ages of 7 and 17, to answer Representative Berry's question, must be in school. We really have no mechanism to enforce that. What we are seeing today

is the struggle to try to find some type of mechanism to make this law work.

A great number of years ago when I was in college, I did write a paper on compulsory attendance and I came to the conclusion that it is a bad idea. Children should be in school because the school has something to offer that they want. We have been struggling with that for years and we haven't found that solution for all children. I suspect we will spend many hours, many days, rehashing this. I don't know what the solution is, but I guess I am willing to say to the judge that if in his judgment he thinks that this will help the child decide to go to school as long as we have this bad law in the books, perhaps we should try it.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. I apologize. There was just one other comment that I had wanted to make. The entire process, as it stands right now, when a child is truant and looking at this, it is first dealt with by the principal. If he or she can't deal with it, it is handed off to the superintendent who tries to deal with it. If he or she can't deal with it, it is given to the school board. If they can't deal with it, they give it to the District Attorney. Every school board in the state, they are elected officials. I don't know about you folks, but my school board isn't going to allow this to get beyond them to go to court. We are going to deal with this right there. I had hoped that the sometimes good Representative from Fryeburg, would comment on this, but, Mr. Speaker, men and women of the House, he is truant. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. While I was standing previously, I neglected to mention a couple of items. The one that is foremost in my mind is that we, as a body, and I have indicated here verbally on more than one occasion that I respect each member of this body. However, here we are going to put something in the statutes, attendance. Are we wholly pure ourselves in this body from attendance problems? Think about it. However, it is the same as the attendance in the school system if a student has an advocate, they never get to an attendance problem and that is not an even handed way of treating the general population in the school. I would ask regardless of all of this discussion, we are coming down to the thing of what will determine the attendance of our pupils and I would hope that methods that are in place now would continue.

Also, not only the driver's license, but there is one thing that people will not have to face in the age group that has been mentioned, they are not allowed to use a personal watercraft. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House. I empathize and sympathize with all of you wanting to do what appears to be the right thing, but let me caution you, if you implement this law by definition, the word truancy is 10 consecutive days of absence from school. It won't take long for a student to realize that on the ninth day, I go to school and I don't lose my license. We are going to be right back here trying to figure out what it is that went wrong with the system. Having served the better part of my life in education, the answer resides primarily with the schools and its own local setting. A school must adopt a policy of attendance that goes well short of the 10 days. If someone is absent for 10 days, it is a little late for you to decide that they are not in the building. A good local policy of attendance and keeping on top of the situation, letting the students know that that what goes on there is important for them

and the school thinks that it is and they are willing to implement something on the local basis is by far the best alternative. I would suggest to you that in as much as there might have been some good reasons and motives for suggesting this law, I think it is not what we need at this time. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. If I was 17, which I will never be 17 again, thank God for that, and I would happen to lose my license and I wanted my license back, would I have to quit school to get my license back?

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

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

The SPEAKER: The Representative may pose her question.

Representative WATSON: Mr. Speaker, has a roll call been requested?

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Men and Women of the House. The last thing I want to do is prolong this debate, but a couple of things have been said that need to be corrected. Number one, I believe it is already in statute now that 10 days is classified as truancy. That is already in the law. We are not putting something new in. The other thing is if you read this, I wonder if everyone has read it? This is a permissive law. It says may. It was first introduced that the judge shall, shall, shall and we changed all of the shalls to may. It is may. There also is a provision in there that one of the things that the judge may order is for the offender to undergo counseling.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 298

YEA - Ash, Berry DP, Blanchette, Brannigan, Brooks, Bryant, Bull, Canavan, Chase, Chick, Clark, Collins, Cowger, Crabtree, Davis, Dorr, Dudley, Dugay, Duncan, Duplessie, Etnier, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jodrey, Jones, Kasprzak, Koffman, Labrecque, Landry, Laverriere-Boucher, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marrache, McDonough, McGowan, McKenney, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy T, Nass, Nutting, O'Brien JA, O'Brien LL, Paradis, Peavey, Perkins, Perry, Pinkham, Povich, Quint, Sherman, Simpson, Skoglund, Snowe-Mello, Sullivan, Thomas, Tobin D, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ.

NAY - Annis, Baker, Belanger, Berry RL, Bliss, Bruno, Bumps, Bunker, Carr, Chizmar, Clough, Colwell, Cote, Cressey, Cummings, Daigle, Desmond, Dunlap, Duprey, Estes, Fisher, Foster, Gooley, Heidrich, Honey, Jacobs, Kane, LaVerdiere, Ledwin, Lemoine, Marley, Matthews, Mayo, McGlocklin, McKee, Murphy E, Muse C, Norbert, Norton, O'Neil, Patrick, Pineau, Richard, Rines, Rosen, Savage, Schneider, Shields, Smith, Stanley, Stedman, Tarazewich, Tessier, Tobin J, Weston, Winsor, Young, Mr. Speaker.

ABSENT - Andrews, Bagley, Bouffard, Bowles, Buck, Haskell, Lovett, Muse K, Richardson.

Yes, 84; No, 58; Absent, 9; Excused, 0.

84 having voted in the affirmative and 58 voted in the negative, with 9 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

COMMUNICATIONS

The Following Communication: (S.C. 329)

**SENATE OF MAINE
120TH LEGISLATURE**

OFFICE OF THE SECRETARY

May 31, 2001

The Honorable Millicent M. MacFarland

Clerk of the House

120th Legislature

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised that President Michaud has appointed the following conferees to the Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Require Certain Employers to Provide Certification for Employees Who Dispense Medications." (H.P. 603) (L.D. 758)

Senator Kevin Shorey of Washington

Senator Edward Youngblood of Penobscot

Senator Peggy Pendleton of Cumberland

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEE

Refer to the Committee on Appropriations and Financial Affairs

Pursuant to Joint Order

Representative BERRY from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Give the Maine Technical College System Limited Revenue Bonding Authority"

(H.P. 1362) (L.D. 1819)

Reporting that it be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** pursuant to Joint Order (H.P. 1347).

Report was **READ and ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

Sent for concurrence.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Enhance the Observance of Veterans' Holidays"

(H.P. 937) (L.D. 1251)

has had the same under consideration, and asks leave to report:

That they are **UNABLE TO AGREE.**

Signed:

Representatives:

BOUFFARD of Lewiston

MICHAUD of Fort Kent

TOBIN of Windham

Senators:

SHOREY of Washington

BROMLEY of Cumberland

YOUNGBLOOD of Penobscot

The Committee of Conference Report was **READ and ACCEPTED.** Sent for concurrence.

SENATE PAPERS

The following Joint Resolution: (S.P. 642)

JOINT RESOLUTION EXPRESSING SUPPORT FOR THE COMPROMISE INSTALLED CAPACITY PROPOSAL BEFORE THE NEW ENGLAND POWER POOL

WHEREAS, electricity costs in the State of Maine are among the highest in the United States; and

WHEREAS, electricity is a vital component of everyday life for residential consumers throughout the State and is a key ingredient for competitive success for the State's commercial and industrial consumers; and

WHEREAS, the New England Power Pool, NEPOOL, is entrusted with the creation of wholesale electric markets for the benefit of the consumers of New England, including those of the State of Maine; and

WHEREAS, NEPOOL and its more than 100 member organizations, including generators of electricity, have a public duty to fulfill in carrying out the affairs of NEPOOL; and

WHEREAS, a compromise "installed capacity proposal," which will be voted on by NEPOOL on June 1, 2001, will help to protect the interests of consumers while meeting certain of the needs of electric generators; and

WHEREAS, Maine's Public Utilities Commission and the Maine Office of the Public Advocate have endorsed the compromise as in the public interest; and

WHEREAS, resolution of this matter reconciles in a reasonable fashion the consumers' proposal of 17¢ per kilowatt per month with the generator's position of \$8.75 per kilowatt per month; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the First Regular Session, strongly endorse the compromise proposal supported by Maine's Public Utilities Commission and the Maine Office of the Public Advocate and it is the sense of the Legislature that it is in the best public interest for each member of NEPOOL, especially

the electric generators selling power into the NEPOOL wholesale and Maine retail markets, to vote in favor of the compromise to end expensive litigation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives, or their equivalents, of each of the other New England states.

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

READ and ADOPTED in concurrence.

Non-Concurrent Matter

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)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365) in the House on May 29, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-365) AS AMENDED BY SENATE AMENDMENT "A" (S-302)** thereto in **NON-CONCURRENCE**.

Representative BUNKER of Kossuth Township moved that the House **RECEDE AND CONCUR**.

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 299

YEA - Annis, Ash, Baker, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etner, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarzewich, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Belanger, Berry DP, Bruno, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, Madore, Mayo, McKenney, McNeil, Mendros, Morrison, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Povich, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Andrews, Bagley, Bouffard, Bowles, Buck, Haskell, Jones, Lovett, Muse K, Tessier.

Yes, 86; No, 55; Absent, 10; Excused, 0.

86 having voted in the affirmative and 55 voted in the negative, with 10 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

ENACTORS

Acts

An Act to Ensure that the Annual Inflation Adjustment for Partial Compensation for Injuries occurring Prior to November 20, 1987 is Fully Recognized and Paid

(H.P. 723) (L.D. 943)

(C. "A" H-616)

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

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

SENATE PAPERS

The following Joint Order: (S.P. 641)

ORDERED, the House concurring, that when the House stands Adjourned it does so until Monday, June 4, 2001, at 9:00

in the morning and the Senate Adjourns until Monday, June 4, 2001, at 10:00 in the morning.

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

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

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

HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (H-639) - Minority (2) Ought to Pass as Amended by Committee Amendment "B" (H-640) - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act to Increase Access to Health Care"

(H.P. 979) (L.D. 1303)

Which was **TABLED** by Representative KANE of Saco pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

Representative CLOUGH of Scarborough **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. It has become a rarity for me to speak on this floor where once I felt very comfortable speaking every day passionately about issues I believed in and sometimes just trying to advocate for my caucus. I rarely get down here now. In fact, only once before to talk about domestic violence have I come to the floor.

I come to talk to you a little bit today just to briefly let you know what remains in LD 1303 so you have a broad construct of what the legislation is before you that you can make as informed as possible decision before you make your vote.

In my short career here in this Legislature, there have been very few issues that have captivated my heart and mind, exclusively. Health care has always been among them. It was my privilege during my first term in this Legislature to serve on the Banking and Insurance Committee. I learned a lot. I learned from elder statesmen, Republican and Democrat. I served with the Republican Senate Chair from the other body, the good Senator from Portland, Senator Abromson. I listened closely to his words of advice, his tutelage. I got to sit next door to the good Representative from Bath, Representative Mayo, and I learned a great deal from him and we, together, created a centrist force on that Banking and Insurance Committee that did a lot of good things. In the last seven years we have made great strides in health care. Yet, as I walked door to door this year in my own campaign, almost every single door that I went to somebody was concerned about health care. As I went around the State of Maine to visit with my friends or to meet candidates for the Legislature or to just travel, I heard repeatedly concerns about health care.

I was at the chamber meeting recently in my area and their number one concern was health care. I visited many hospitals in the State of Maine, including a great visit to my old hometown in the queen city of Bangor, and sat with the Representative from Holden's date for dinner last night and talked to him about health care. I talked to the universities and the colleges about the opportunities for job growth in the State of Maine and the

challenges that they have in providing adequate services. Their number one concern was health care. I talked to many taxpayers in the State of Maine. I have talked to small businesspeople. I have talked to the Republican head of the NFIB in Washington County and his biggest concern was, health care. We have a great challenge in front of us this year in the Maine Legislature.

The Executive identified it last year when he put forward a blue ribbon commission and that blue ribbon commission came back and they identified some problems for us. What did they tell us? They told us that every year in our state we spend \$5 billion, with a "B" each year on health care. That is almost twice our general fund expenditures. That is a lot of money, not to be trifled with. You know what else they said, they said that over one-fifth of every health care dollar that we spend in Maine is wasted. It is wasted. That is over a billion dollars a year wasted. Do you know how much that is? I know some of you do, but that is more than we collect in the personal income tax annually in our state. That is like taxing everybody, whether you think it is a high tax, low tax or a fair tax. That is just like taking the people's tax dollars and throwing it away. Where does that money go? One hundred and sixty-three million dollars plus went to charity care. What is charity care? Every time you break a bone in the State of Maine and you go to a hospital, you go in through the front doors of the hospital, what happens? They will see you. Is that the best place for you to be seen, if I had a four month old infant that didn't have health care insurance and they were having a terrible ear infection and I didn't know what else to do, I would go to an emergency room. The cost of that, depending on where you were in our state, would be \$200 or \$300 at the emergency room, at a minimum.

A doctor's appropriate patient visit for that child would be somewhere in the neighborhood \$40 to \$60. It may be a little bit more at some practitioners and maybe a little bit less at other places if you were going to a rural access health clinic, but there is no question that it would be a lot less expensive and it would be appropriate. That billion dollars that goes to charity care, where else does it go? It goes to preventable disease. The Chief Executive has talked to us a lot about preventable disease and the need for early intervention, not just for exercise, but to make sure people get early intervention, early primary care. It goes to duplication and administrative services and in care giving. It goes to a lot of different places.

The question is, do we think we will be able to answer the entire problem this year? Probably not, but you know what, we can and we should and I think we must take a strong effort at addressing as much of it as we can this year.

I came before this Legislature with grand plans for health care. I had a bill that cost \$50 million. I had a second bill to make administrative changes. I had a third bill to do some changes in the private insurance market and through the wisdom of this body, we have made those three bills into one and we have made them much more focused and a much better bill. That is what we have before us today. It is LD 1303 and what does it do? It does some very simple things. It says for those that have the least among us, we should provide access to basic health care services. For children between 200 and 250 percent of poverty, we should build on our successes with the Cub Care Program. We have done so in a bipartisan way and I hope that we will continue to do so in a bipartisan way. It says that we should expand health insurance coverage through groups they technically call non-categorical. Who are they? Those are childless adults. What are they? That is somebody who is 55 years old who is divorced, has two children, but their ages are 19 and 21 and they work at the Wal-Mart 35 hours a week and they make below \$11,000. You would say to yourself we are already

providing that in Medicaid, but this is the one group we have missed. This is the one group that has no access to health care, no appropriate access to health care and no health insurance. We would provide coverage to them up to 125 percent of poverty. That is under \$11,000 a year for an individual.

It would expand current coverage to Maine's working disabled. It would clarify existing language and look at helping disabled people phase back into the workforce through something called a ticket to work. It is a federal program using Medicaid dollars that provides an expanding match over traditional matches so that every state dollar that we spend gets \$3 federal dollars to match it.

Perhaps the most exciting part for me is that it would begin a buy in program for self-employed, sole proprietors, small business people below 300 percent of poverty. It would give people caught in that individual market, that individual health care market that our own superintendent of insurance has said is in collapse and does not work, that individual health care market where good health insurance, that is not health insurance with a \$5,000 deductible that doesn't provide preventive care, that is health insurance that provides preventive care. For them, it is not really available right now. It allows those individuals, within a means test, to start with, until we learn a little bit more about how that impacts the health insurance market, allows them to buy into our Medicaid product. It helps those people who are working the hardest to make ends meet, who work hard every day in the state, who deserve the chance to provide health care for themselves and their family. It is that independent contractor out in the woods cutting logs, not getting paid by a paper company, not getting paid by anyone else, trying to get access to health care for themselves. That is who it helps.

Finally, it provides access to cancer medication to those folks eligible for the Drugs for the Elderly Program. Can you imagine being denied Tamoxifen as a treatment for cancer because you are poor?

The original bill, LD 1303, was much grander. I was hoping to provide health insurance for some 40,000 to 50,000 of the uninsured folks in the State of Maine. Each year you have to take the steps that you can take. This legislation has brought together an incredible coalition, the Maine Medical Association, the Maine Hospital Association, the American Cancer Association, the American Lung Association, low-income advocates, the League of Women Voters, business groups and they are all coming together because this does some very fundamental things. Most importantly, it provides access to health care. That is critical. Two, it stops what they call the shift of health care costs onto the private insurers. Remember those folks who go to the hospital without insurance. Those costs don't evaporate. They get shifted to the insured population with a cost of over \$200 per insurance premium every year. It is bringing together diverse groups because it is the right thing to do. It uses a public and private combination approach to health care to make sure that the people of the State of Maine have access to the care, not only that they need, but that they deserve.

I hope that you will join with me today in supporting this measure so that we can take a first step to address the health care crisis that we have here in Maine. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. I have had the privilege in all five years that I have served in this body to be a member of the Health and Human Services Committee and the past three years to serve as its Chair, House Chair. As you can imagine, we have seen a whole range of human needs come before our committee and attempt to respond to them. Most often, we are not able to respond,

frankly. There aren't the resources. We have to prioritize. Health care has been a tough priority for our state. All the polls demonstrate that this is at the top of the list for all of our constituents around the State of Maine. Ladies and gentlemen, this bill is the center piece of our entire health care strategy at this point.

The Speaker, the Representative from Portland, has made an eloquent presentation of the case, the need, the justification, the cost effectiveness, the responsiveness to our people, particularly those who are most vulnerable. All I can add is that it does represent the most comprehensive approach to date in meeting the health care needs of our citizens.

It breaks new ground. It breaks new ground in covering 20,000 low-income people who don't qualify for Medicaid, the non-categorical, as Representative Saxl pointed out. We are paying the price. We are paying the price for these people. We are paying a higher price because we are treating them in the most expensive places and at the most expensive point in the course of their illness. It breaks new ground. It finally acknowledges the burden on our self-employed people in attempting to survive in a very, very high cost insurance market. It breaks new ground all over the place. It is cost effective. I join the Representative from Portland in asking you to give your full consideration to what this bill represents and to support LD 1303. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. The current bill before you does a lot of things for a lot of people. It expands the eligibility for Medicaid and provides money for many programs. It also creates 46 new positions in the Department of Human Services. There are 46 new jobs that will be ongoing. In the biennium it will take \$24 million in general fund money and it says in the bill that in the first year of the next biennium, 2003-2004, there is an estimated \$24 million for that one year. The eligibility for the program, the expanded program, is such that you need to know about that. In determining the assets of who is eligible for this program, the expanded Medicaid Program, the exempted items will be a second vehicle, retirement savings, life insurance, educational savings and savings account up \$12,000 per household of more than one person. The provider payments in this bill are estimated to be about \$9 million and that is just for one year. If legislation is passed, which treats them fairly, as it will be coming, I suspect that will double or triple.

The Minority Report does what we think we can really afford to do in this state. We took four of the items from this omnibus bill and said that this is what we think we can do. We think we can expand the enrollment period of Cub Care to 12 months. That is not a problem. We think we should apply for a waiver for self-employed people and sole proprietors and members of their families who have incomes below 300 percent of poverty to have a buy in basis to Medicaid. That program is designed to be budget neutral and there is a clause in here that says it will sunset if state funds are ever used for it. We also agreed to \$10,000 for federal funds or matching funds for administrative costs and we agreed to changing the name of Medicaid and Cub Care to the Maine Care Program.

The general fund under item B would be accountable only for \$169,000, which is what I think the State of Maine can afford. I would like to do all these other things for these other people and I just don't see where the money comes from and I don't believe the amended part of this bill ever identifies that. We are a poor state. We just can't do everything. I hope you will give that consideration and vote Ought Not to Pass on this current motion and vote Ought to Pass on the Minority Report. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I believe the speaker from Portland has taken on an honorable issue and I thank him for that, but there is another part to this that I think the Legislature needs to recognize. The blue ribbon commission when it reported to the Legislature had a number of problems it identified within our health care system.

I would just like to read from that report to you. "The system is marked by bureaucratic snarls, overwhelming paperwork, duplicative and unnecessary services, inefficient means of delivery, considerable finger pointing and nearly incomprehensible financing." Later on in the report it goes on to say, "Twenty-five percent of the health care costs are waste and paperwork and duplicative services."

I am reminded of when I was a child and an ice cream truck would come through town and the bell would be ringing and all the kids would come running for their ice cream and we would pay a quarter and we would get our ice cream. It was wonderful to see the ice cream truck coming. This is similar. We have these programs and it feels so good to us to expand health care to those that are out there in need. I think that is a wonderful thing to do, but I am afraid that if we don't fix the problem, which I think is our health care system and the waste that is in our system, that eventually we are going to go broke, not us, but our taxpayers. If we have a system that is broken and we continue to feed that system with more and more money, eventually the taxpayers are going to buckle under the pressure and break.

I do believe that the Speaker is onto an honorable issue, but there is another part of the issue. I tried to address it with legislation earlier in the session and I am reminded of the words from the Senator from Eagle Lake when he looked at one of the issues I tried to address, which was the certificate of need process. He said, "I can't vote for this. It would cost \$100,000 to fix this problem." I couldn't forget that all session.

Ladies and gentlemen of the House, we have huge problems in our health care system that need to be fixed, whether it costs \$100,000 or a million dollars, it is draining our taxpayers. I urge you, in the future to take up the issues that were pointed to in the blue ribbon commission, because somewhere down the road, the taxpayer's back is going to be broken.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. I just wanted to respond very briefly to my colleagues on the other side. The Representative from Waldoboro is accurate in saying that there are problems in the system and we must fix the problem, but we cannot ignore our people and our constituents while we are fixing the problems and it is not either or. It is us having a commitment and a desire and the capacity to do both. With regard to my good friend from Auburn, Representative Shields, he always has a way of keeping us focused on the cost and he does it very well. It creates a very effective balance. I do want to remind him that as we look at the reality of what it costs us, over half of the positions that are being requested would be funded by other than state funds. There are federal funds in here.

The administrative costs, this is particularly important for us to be aware of, as we talk about the problems and the inefficiencies of DHS, that administrative costs in the Medicaid Program in Maine are approximately one-third of the administrative costs of private insurers. The cost of the Medicaid Program, the administrative costs, are only 5 percent. It is 15 to 20 percent in the private sector. We need to continually work at fixing the system, the streamlining, but we can't stop providing the critical services that are required. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. We are paying now. The reason we are paying is when sick people go to the emergency room because they do not have medical plans, they do not have a regular doctor, they are not in a preventive health system, they go there because they are sick, very sick, and they are at the most expensive place they can go. We know what the hospitals have done. They have broken down in their independent corporations the parts of the hospital to be self-paying. When someone goes to the emergency room, the complete cost for that emergency room is born by the bills, which comes back to us. You heard the figure. Thank God it is on this little orange sheet of paper. We all know how we love to take tests and what we found out is \$163,000. That is charity care. Those are debts that we end up paying, not 33 percent, not 66 percent, but 100 percent of this cost. What we are talking about is paying off in a better way, paying off in a different way, paying off with someone to help us pay for it. Who? The federal government will pay if we have these people on a different plan of payment for health care. Health care, that is what we are talking about. Right now it is incredible, but what we have is that \$163 million. It is coming out of our money. None of us are here today not knowing about millions or trillions. That is \$163 million. That is a considerable amount of money. If we can end up putting these people who are not covered now and what it would break down to be is about 20,000 of the people who we will call not covered by Medicare or any program like that, but if we can get these people to be on a health plan, yes, they are going to process through the Department of Human Services, but that brings in the federal money. We think about the federal program that is going to cover this, HCFA, which stands for Health Care Financial Administration, is going to require the Department of Human Services to explore the assets that they have. True, if they have a second car, then they probably have at least one adult working or maybe two adults working. I would hate to think that I had to rely getting up here to Augusta with a \$4,000 and I am not a mechanic. I know some people here are mechanics and probably a \$4,000 car would get them back and forth, but the people that will be given the information to the Department of Human Services will have to be the categorical assistant group.

In Lewiston, we, in fact, do have some programs that are helping people who have, in fact, been on medical out of work programs into work. It is called Faith Works. We bring people in and we help them to be going to work. That means that they are probably in a situation where they are going to be losing their health plan. A health plan is vital if it prevents people from ending up with no health plan, going to the emergency room. We are covering 100 percent of that cost. Let's try to see this as a savings program. It is a savings for your money. It is truly a savings for your money in the future and the people that will be working to make sure that only the proper people get on this program and that those who are self-employed will be paying their part of this medical plan. You would want somebody to check that out and you would want somebody that would know the rules to check it out. Let's make sure that we take a look at this as a savings program. It truly is. It is a savings program for the State of Maine. If we were rich, rich, rich and could afford to do everything that we wanted, we wouldn't have to think about savings, but \$160 million, that is a couple nickels and dimes. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative GREEN: Mr. Speaker, Ladies and Gentlemen of the House. I would like to echo the words of the fine Representative from Lewiston and say that good health care will ultimately save and it saves not only in dollars and cents, it saves lives. Healthy people work longer and contribute to the general social well being of all of us. Healthy people often do not require care that is as expensive or as long term as those who are not healthy. Healthy people save money. Healthy people make life better for all of us. I urge to support the Majority Ought to Pass Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Mailhot.

Representative MAILHOT: Mr. Speaker, Ladies and Gentlemen of the House. As you well know, I do not often speak on the floor of the House. I rise today to ask your support on LD 1303. This bill is a result of a lot of work between different groups and it addresses many needs in regards to our constituents in this great State of Maine. One aspect of this bill that I feel is particularly important is the amendment for the Elderly Low-Cost Drug Program to allow coverage for cancer related medications with a minimum co-pay of 20 percent. I don't believe that there are many of us today here in the House of Representatives that at one time or another hasn't had a relative, a friend, a mother, a father, a brother, a sister that had an appointment to go to the doctor and that doctor had to tell that patient that they had cancer. If that has never happened to any of you, I am sure that most of you it has, it is a shocking experience. Cancer touches everyone, young and old, male and female, all races, all colors, but it is even worse for those who are poor, because sometimes your poverty will put you in a position that you fall through the cracks and you cannot afford a proper medication, the long-term medication, and the expensive medication that you need for such an illness.

We have all heard from our constituents regarding the need to address the problem of rising drug costs. It is often spoken on a daily basis in this House. Working within the structure of the existing elderly low-cost program, a part of LD 1303 does just that. I would certainly encourage all of you to keep your promise to your constituents and address the problem of rising health care and drug costs by supporting the work of the Health and Human Services Committee and vote Ought to Pass on the pending motion. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. I bring you greetings from Mr. and Mrs. Maine Taxpayer. They have looked at 11 programs that have come to my committee, which now most of them have been enacted and in the total amount of \$60 million from general fund money alone, plus, of course, the two to one federal match. If this is enacted, there is a theory that we will be charged less at the hospital and the providers because they won't be doing as much charity care. I don't believe that will happen. I believe their prices will remain the same. This bill does a lot of good work. It does good things, but I don't think that we can afford it. Mr. and Mrs. Maine Taxpayer is the only group not represented by lobbyists here and I hope you are listening.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Men and Women of the House. Using the old cliché, I had not intended to speak on this bill, but there are some things that have come up that I thought I needed to rise upon. One, I keep hearing about savings. For the last 10 years we keep hearing how the more programs that we enact and the more state tax dollars that we use, we are going to save money, yet, we have a \$300 million

structural deficit that we just dealt with in Part I, which gave us a \$170 million structural deficit going into Part II, but we are saving money somehow by spending another \$24 million. If I was able to bank all of those savings, we wouldn't be in the problem area that we have. We still have uncontrolled health care costs. We still have unaffordable insurances. We still have unaffordable prescription drugs, but the last 10 years I have been hearing that we saved money. How does that work? Can someone explain that to me where I saved that money and in which pocket did I put that so that I haven't had to raise taxes on people? I haven't seen it in 10 years and I probably won't see it now and I am sure am not going to see it when we spend another \$24 million. No one has determined yet where this \$24 million is coming from. I have supported plenty of prescription programs and I have even supported tax increases, but I am a little bewildered by this saving money thing, because I haven't seen it and I probably won't and I don't think anyone can prove it to me. This is a good bill. It is an effort to bring the problem to light. We understand we have a problem, but we cannot afford this bill.

I think the Minority Report actually makes sense. It is an incremental step. This is a big incremental step though that we can't afford. I know how this vote is going to go. No one has to tell me. I am pretty smart that way. I can figure things out, but somewhere show me the savings. It is not there. If we actually saved money over the last 10 years, we would not be in the crisis we are today. Thank you Mr. Speaker.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for not having been in the chamber throughout the entire debate, but I had another commitment for a little while. I was a cosponsor on the original piece of legislation that we had before us and have attempted, in my own way, to follow the amendment. Do I agree with everything in the amendment? Not necessarily. I believe that if we don't do something to attempt to move forward to solve the current crisis in health care and the lack of health insurance for many people in this state, that the problem is going to get worse and it is going to become more expensive. Next week we will be debating another bill pertaining to health care, which has both a Report "A" and a Report "B." The Majority Report of the Committee on Banking and Insurance made major changes in the original document. We moved two things that could have, might have, possibly might have, done something to make health insurance more affordable for those individuals who are purchasing it. That was removed by a majority vote, a majority of nine, of the Banking and Insurance Committee. I assume after a lengthy debate this body will accept the Majority Report. We will hear during that debate that little, if anything, is being done to solve this issue. Believe me, as I knocked on the 2,500 doors in my district, this was, without doubt, insurance and health care was the number one issue if people had any issues that they wished to discuss.

Basically we haven't done a great deal, for whatever reason, to address this issue. It may be because we all have known that this bill that we have before us this afternoon, LD 1303, has been hanging out there. It now is before us and I personally believe that it is the only vehicle that we will have before us in this session to do anything about this issue. For that reason, if for nothing else, it will have my vote to accept the Majority Ought to Pass Report. Thank you.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. Let me try to set the stage here a little bit when it comes to uncompensated care and Maine hospitals. A person

goes into the hospital because of a crisis medical condition. They don't have health insurance. They are not refused treatment. They get the treatment. They can't pay for it. The hospital still incurs the cost. What happens to those costs? Well, we are all paying for it, all of us that are insured, all of our employers, all of our individually insured, the state employee health plan, Medicaid, Medicare. They are all paying for that group of uninsured people to get the care they need. You have heard it before and I am going to repeat it. The fact is we can save money. We can realize the savings, by treating these people before they have a crisis medical condition, when it is cheaper and when it is not done in the emergency room. We can save that money. There is a savings to be realized. We are talking about \$163 million in charity care that Maine hospitals and other providers incur. That cost is out there. It is a hidden tax that we are all paying. It is not coming out of the general fund, totally, part of it is. A lot of it is just coming out of our pocket when it comes to paying our insurance premiums. The cost is there. We are not hiding from it. It is just a matter of where it is going to come from and how equitably it is going to be distributed. This proposal is the best way I have seen so far, short of single-payer I suppose, but this is a great way to try and spread those costs over more people in a more equitable way.

There is also a savings to be realized, at least in so far as the people of the State of Maine are concerned, when it comes to expanding Medicaid. Under this bill nearly half the cost of this bill would be covered by the federal government, money coming entirely outside of Maine, entirely outside of the general fund. We are bringing money into the State of Maine to help insure and pay the cost of insurance and health care for Maine people. Isn't that a no-brainer? We have millions of dollars waiting out there for us to use to insure people, which is really the larger point here. We have estimates that I have heard, 130,000, 160,000, 180,000 people in Maine who lack health insurance of any kind and whose access to health care is extremely limited. We have up to maybe 200,000 other people who have health insurance, but whose insurance really doesn't cover them when they get sick. They are under insured. They are not covered. We pay for them too. We all pay for them when they seek treatment that they can't pay for and that their insurance doesn't pay for.

There is a savings to be realized in two ways. Again, it is overcoming the problem of charity care and bringing down some federal dollars, which this bill does, a lot of federal dollars.

I also want to address a point from the Representative from Waldoboro, Representative Trahan, when it comes to the massive paperwork and duplicative mandates or duplicative paperwork that people are required to fill out when it comes to health insurance. That is the private side. That is in the private health insurance industry. The Medicaid Program, administrative costs are 5 percent. It is dramatically lower than in the private side. This is a way to cut down on that waste. It is a great way to cut down on that waste.

In closing, I would urge you all to join me in supporting the Majority Ought to Pass as Amended Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to say a few words about health care and my experience in life. From a child, health care and concern for people's wellness have always been a part of the family where I grew up. I will say that I got married when I was 19. From that time forth, there was usually a need for some medical attention. As I stand here today, because of things that were done to help me, things that I did to help myself about buying insurance, I am not bragging about it, but as I stand here this

afternoon, if I owe anybody, let them speak up, but I don't believe I do. Over this time when I was in grade school, I had an occasion to be asked to serve as a poll bearer for a classmate. His life was ended because of lack of medical attention in a timely fashion. It was a problem with his appendix, which today is quite commonplace and even when they have problems, the medical people today are able to save them. I can remember the children that were in school with me that died because they didn't have medical attention for things that today are quite commonplace in treating.

What I am saying here is that when people talk to me in the community that have problems, have no insurance, they are sick, I heard the Speaker talk about, I believe, the emergency room. It would be my source to take anyone that I could help. That is where I would go here in the State of Maine. I would also say that I believe the time is here when we need to provide medical attention, not stand here in the House and rail away and try to put a price on whatever. I couldn't, myself, in good conscience. As far as I am concerned, anyone I have ever talked to in my life, their wellness, their health is number one.

I had a conversation the other evening with a Representative here in this body that I consider very appropriately handling a subject that had to do with the teaching profession. I pointed out in the discussion that I believed maybe the medical people where number one, but her question to me was, who taught them? Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative ANNIS: Mr. Speaker, Ladies and Gentlemen of the House. It is my first time to rise this year, so please be gentle. I think the good Representative from Portland has an excellent idea whose time has come. Having worked in the medical field in Mayo Regional Hospital, I have seen a lot of what we have concerns about. However, I think this program should be taken out of the hands of Medicaid and given to a private administrator. They can handle this premium. For instance, I had a complaint from a dentist in town, I am sure it is not part of this bill, but nevertheless, it is somebody who has concern about Medicaid. For every dollar he submits and bills, he gets 20 cents back. I think that is a real concern because now he is refusing to accept new Medicaid patients. In the ER at Mayo Regional Hospital, you are absolutely right, nobody is refused. Everybody is taken in and treated and applied for Medicaid. You can't approach your doctor at 2 or 3 in the morning with a serious problem. You have to go to the emergency room.

Another for instance, I have tried to appropriate a bedding situation for a patient who needs a special form of rest. That manufacturer will not deal with Medicaid because of nonpayment in other experiences. If we keep pushing our people this way, our doctors, our suppliers of medication, of treatment, the way we are with nonpayment or small payment, we are going to drive them right out of the State of Maine. Thank you Mr. Speaker.

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

ROLL CALL NO. 300

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Brannigan, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee,

McLaughlin, McNeil, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Treadwell, Tuttle, Twomey, Usher, Watson, Weston, Wheeler GJ, Young, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Bruno, Bumps, Chase, Clough, Crabtree, Duprey, Foster, Gooley, Heidrich, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, McKenney, Mendros, Morrison, Murphy T, Nass, Nutting, Pinkham, Rosen, Shields, Stedman, Tobin J, Trahan, Waterhouse, Winsor.

ABSENT - Andrews, Bagley, Bouffard, Bowles, Brooks, Buck, Duncan, Goodwin, Haskell, Lovett, Murphy E, Muse K, Perkins, Perry, Schneider, Snowe-Mello, Volenik, Wheeler EM.

Yes, 102; No, 31; Absent, 18; Excused, 0.

102 having voted in the affirmative and 31 voted in the negative, with 18 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-639) 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-639) and sent for concurrence. **ORDERED SENT FORTHWITH**.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative GREEN from the Committee on **TAXATION** on Bill "An Act to Ensure Retailer Compliance with the Tax on Tobacco Products"

(H.P. 1361) (L.D. 1818)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1344).

Report was **READ** and **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** and sent for concurrence.

Ought to Pass

Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Encourage Savings for Higher Education"

(S.P. 579) (L.D. 1757)

Reporting **Ought to Pass**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-298)**.

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **SENATE AMENDMENT "A" (S-298)** 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 Senate Amendment "A" (S-298)** in concurrence.

On motion of Representative TRACY of Rome, the House adjourned at 4:09 p.m., until 9:00 a.m., Monday, June 4, 2001 pursuant to the Joint Order (S.P. 641).