

MAINE STATE LEGISLATURE

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



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

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

Volume II

First Regular Session

May 18, 2001 – June 22, 2001

Second Regular Session

January 2, 2002 – March 6, 2002

Pages 890-1770

ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
61st Legislative Day
Monday, June 4, 2001

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

Prayer by Reverend Brendon Bridges, Family Christian Center, Presque Isle.

National Anthem by Pittston Consolidated School 4th and 5th Grade Chorus.

Pledge of Allegiance.

Doctor of the day, Mitchell Ross, M.D., Biddeford.

The Journal of Thursday, May 31, 2001 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

An Act to Amend Certain Laws Pertaining to the Maine Land Use Regulation Commission

(S.P. 365) (L.D. 1203)

(C. "A" S-181)

PASSED TO BE ENACTED in the House on May 17, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-181) AS AMENDED BY SENATE AMENDMENT "A" (S-301)** thereto in **NON-CONCURRENCE**.

On motion of Representative McKEE of Wayne, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act to Establish a Single-payor Health Care System"

(H.P. 964) (L.D. 1277)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BANKING AND INSURANCE READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514)** in the House on May 22, 2001.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **BANKING AND INSURANCE READ and ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative O'NEIL of Saco, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Resolve, Directing the State Auditor to Amend the Campaign Finance Reporting Form for Candidates to a Form Similar to the Form Used in 1994

(H.P. 1350) (L.D. 1807)

FINALLY PASSED in the House on May 18, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-299)** in **NON-CONCURRENCE**.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (S.P. 639)

**STATE OF MAINE
120TH MAINE LEGISLATURE**

May 29, 2001

Hon. Peggy A. Pendleton, Senate Chair

Hon. Martha A. Bagley, House Chair

Joint Standing Committee on State and Local Government

120th Legislature

Augusta, ME 04333

Dear Senator Pendleton and Representative Bagley:

Please be advised that Governor Angus S. King, Jr. has nominated James M. Connellan of Brunswick for reappointment and John R. Hanson of Bangor and M. Jane Sheehan of Kennebunkport for appointment as members of the Civic Service Appeals Board.

Pursuant to Title 5, M.R.S.A. §7081, these nominations will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Sincerely,

S/Michael H. Michaud

President of the Senate

S/Michael V. Saxl

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

READ and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

The Following Communication: (S.P. 640)

**STATE OF MAINE
120TH LEGISLATURE**

May 30, 2001

Hon. Kevin L. Shorey, Senate Chair

Hon. John Richardson, House Chair

Joint Standing Committee on Business and

Economic Development

120th Legislature

Augusta, ME 04333

Dear Senator Shorey and Representative Richardson:

Please be advised that Governor Angus S. King, Jr. has nominated Bruce N. Schatz of Augusta for reappointment as a member of the Maine Educational Loan Authority.

Pursuant to Title 20-A, M.R.S.A. §11415, this nomination will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,

S/Michael H. Michaud

President of the Senate

S/Michael V. Saxl

Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

READ and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.C. 331)

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

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 Bill, "An Act to Expand the Maine Mathematics, Science and Engineering Talent Search Venture." (S.P. 280) (L.D. 991)

Senator Mitchell of Penobscot

Senator Rotundo of Androscoggin

Senator Cathcart of Penobscot

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Frank and Sally Landry, of Patten, on the occasion of their 50th Wedding Anniversary, June 4, 2001. They were married at St. Pauls Church in Patten. They have 6 children: Frank, Jr., George, Raymond, Dana, Richard and Sally. We extend our congratulations and best wishes to them on this very special occasion;

(HLS 519)

Presented by Representative LESSARD of Topsham.

Cosponsored by President MICHAUD of Penobscot, Representative ANDREWS of York, Representative ANNIS of Dover-Foxcroft, Representative ASH of Belfast, Representative BAGLEY of Machias, Representative BAKER of Bangor, Representative BELANGER of Caribou, Representative BERRY of Belmont, Representative BERRY of Livermore, Representative BLANCHETTE of Bangor, Representative BLISS of South Portland, Representative BOUFFARD of Lewiston, Representative BOWLES of Sanford, Representative BRANNIGAN of Portland, Representative BROOKS of Winterport, Representative BRUNO of Raymond, Representative BRYANT of Dixfield, Representative BUCK of Yarmouth, Representative BULL of Freeport, Representative BUMPS of China, Representative BUNKER of Kossuth Township, Representative CANAVAN of Waterville, Representative CARR of Lincoln, Representative CHASE of Levant, Representative CHICK of Lebanon, Representative CHIZMAR of Lisbon, Representative CLARK of Millinocket, Representative CLOUGH of Scarborough, Representative COLLINS of Wells, Representative COLWELL of Gardiner, Representative COTE of Lewiston, Representative COWGER of Hallowell, Representative CRABTREE of Hope, Representative CRESSEY of Baldwin, Representative CUMMINGS of Portland, Representative DAIGLE of Arundel, Representative DAVIS of Falmouth, Representative DESMOND of Mapleton, Representative DORR of Camden, Representative DUDLEY of Portland, Representative DUGAY of Cherryfield, Representative DUNCAN of Presque Isle, Representative DUNLAP of Old Town, Representative DUPLISSIE of Westbrook, Representative DUPREY of Hampden, Representative ESTES of Kittery, Representative ETNIER of Harpswell, Representative FISHER of Brewer, Representative FOSTER of Gray, Representative FULLER of Manchester, Representative GAGNE of Buckfield, Representative GERZOFKY of Brunswick, Representative GLYNN of South Portland, Representative GOODWIN of Pembroke, Representative GOOLEY of Farmington, Representative GREEN of Monmouth, Representative HALL of

Bristol, Representative HASKELL of Milford, Representative HATCH of Skowhegan, Representative HAWES of Standish, Representative HEIDRICH of Oxford, Representative HONEY of Boothbay, Representative HUTTON of Bowdoinham, Representative JACOBS of Turner, Representative JODREY of Bethel, Representative JONES of Greenville, Representative KANE of Saco, Representative KASPRZAK of Newport, Representative KOFFMAN of Bar Harbor, Representative LABRECQUE of Gorham, Representative LaVERDIERE of Wilton, LAVERRIERE-BOUCHER of Biddeford, Representative LEDWIN of Holden, Representative LEMOINE of Old Orchard Beach, LORING of the Penobscot Nation, Representative LOVETT of Scarborough, Representative LUNDEEN of Mars Hill, Representative MacDOUGALL of North Berwick, Representative MADORE of Augusta, Representative MAILHOT of Lewiston, Representative MARLEY of Portland, Representative MARRACHÉ of Waterville, Representative MATTHEWS of Winslow, Representative MAYO of Bath, Representative McDONOUGH of Portland, Representative McGLOCKLIN of Embden, Representative McGOWAN of Pittsfield, Representative McKEE of Wayne, Representative McKENNEY of Cumberland, Representative McLAUGHLIN of Cape Elizabeth, Representative McNEIL of Rockland, Representative MENDROS of Lewiston, Representative MICHAEL of Auburn, Representative MICHAUD of Fort Kent, Representative MITCHELL of Vassalboro, Representative MORRISON of Baileyville, Representative MURPHY of Berwick, Representative MURPHY of Kennebunk, Representative MUSE of South Portland, Representative MUSE of Fryeburg, Representative NASS of Acton, Representative NORBERT of Portland, Representative NORTON of Bangor, Representative NUTTING of Oakland, Representative O'BRIEN of Augusta, Representative O'BRIEN of Lewiston, Representative O'NEIL of Saco, Representative PARADIS of Frenchville, Representative PATRICK of Rumford, Representative PEAVEY of Woolwich, Representative PERKINS of Penobscot, Representative PERRY of Bangor, Representative PINEAU of Jay, Representative PINKHAM of Lamoine, Representative POVICH of Ellsworth, Representative QUINT of Portland, Representative RICHARD of Madison, Representative RICHARDSON of Brunswick, Representative RINES of Wiscasset, Representative ROSEN of Bucksport, Representative SAVAGE of Buxton, Speaker SAXL of Portland, Representative SCHNEIDER of Durham, Representative SHERMAN of Hodgdon, Representative SHIELDS of Auburn, Representative SIMPSON of Auburn, Representative SKOGLUND of St. George, Representative SMITH of Van Buren, Representative SNOWE-MELLO of Poland, SOCTOMAH of the Passamaquoddy Tribe, Representative STANLEY of Medway, Representative STEDMAN of Hartland, Representative SULLIVAN of Biddeford, Representative TARAZEWICH of Waterboro, Representative TESSIER of Fairfield, Representative THOMAS of Orono, Representative TOBIN of Windham, Representative TOBIN of Dexter, Representative TRACY of Rome, Representative TRAHAN of Waldoboro, Representative TREADWELL of Carmel, Representative TUTTLE of Sanford, Representative TWOMEY of Biddeford, Representative USHER of Westbrook, Representative VOLENIK of Brooklin, Representative WATERHOUSE of Bridgton, Representative WATSON of Farmingdale, Representative WESTON of Montville, Representative WHEELER of Bridgewater, Representative WHEELER of Eliot, Representative WINSOR of Norway, Representative YOUNG of Limestone, Senator ABROMSON of Cumberland, President Pro Tem BENNETT of Oxford, Senator BROMLEY of Cumberland, Senator CARPENTER of York, Senator CATHCART of Penobscot, Senator DAGGETT of

Kennebec, Senator DAVIS of Piscataquis, Senator DOUGLASS of Androscoggin, Senator EDMONDS of Cumberland, Senator FERGUSON of Oxford, Senator GAGNON of Kennebec, Senator GOLDTHWAIT of Hancock, Senator KILKELLY of Lincoln, Senator KNEELAND of Aroostook, Senator LaFOUNTAIN of York, Senator LEMONT of York, Senator LONGLEY of Waldo, Senator MARTIN of Aroostook, Senator McALEVY of York, Senator MILLS of Somerset, Senator MITCHELL of Penobscot, Senator NUTTING of Androscoggin, Senator O'GARA of Cumberland, Senator PENDLETON of Cumberland, Senator RAND of Cumberland, Senator ROTUNDO of Androscoggin, Senator SAVAGE of Knox, Senator SAWYER of Penobscot, Senator SHOREY of Washington, Senator SMALL of Sagadahoc, Senator TREAT of Kennebec, Senator TURNER of Cumberland, Senator WOODCOCK of Franklin, Senator YOUNGBLOOD of Penobscot.

On **OBJECTION** of Representative LESSARD of Topsham, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **LESSARD**: Mr. Speaker, Members of the House. Sally Landry, I don't know Frank, but I do know Sally since January. She is a dynamic lady. She is an inspiration for all of us in this area here. You see her eyes close once in a while. She is with us. I talk to her and she always comes back with the information that I haven't heard. I say dynamic. Last week she had to leave a little after noontime to get back to Patten. She not only runs the family business up there, but she also is chairman of the board of selectmen in Patten as well as her duties here in the House. She had to leave early because that evening was a special occasion in the Town of Topsham for a retirement. She was back here the next morning. That is over 230 miles. When I say dynamic that is what I mean. Congratulations to Sally and Frank. Thank you, Mr. Speaker.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise to congratulate Sally Landry on her 50th wedding anniversary. When I first met this lady at a parade while campaigning, as Representative Lessard said, she is very dynamic. She goes out and goes above the call of duty to get herself recognized. I border just the other side of her district and in campaigning in my district throughout the last campaign, I went to this place and asked if I could put a sign on their lawn. She said that I couldn't because she was voting for Sally Landry. I said that was nice, but she is in the other district. She said she would move to that district so she could vote for Sally Landry. Sally has been a great friend and a great person and hopefully we will see on Friday night because we have an event to do with each other at the high school. I just want to say congratulations to Sally. She is my second mother down here in Augusta. She will keep an eye on me and make sure I don't cause any trouble. Thanks again, Sally. Congratulations.

The **SPEAKER**: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. As chair of the Agriculture, Conservation and Forestry Committee, I can tell you that we greatly appreciate Sally Landry. One of her most remarkable characteristics is her great sense of humor. Just ask her how her husband finally learned to cook and how she got a new vacuum cleaner and you will understand her sense of humor. It might make other people want to run for this House of Representatives. She is great member of the committee and she has a keen sense of business management. She understands the logging industry. She is a

great supporter of her family. As one of my students asked me one time when I announced my wedding anniversary of 35 years, a student asked, to the same man? I asked Sally this morning, 50 years to the same man? Her reply was, yes, but as she said to her husband this morning, but we will have to think about that in the future, I think, or something like those words. She has a great sense of humor and it is a joy to have her in the House. Congratulations.

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

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. In tribute to Sally's French heritage, I would like to say a few words in French.

Sally, on te souhaite un magnifique anniversaire et beaucoup d'autres annees ensemble, toi et Frank. On t'aime beaucoup!

Sally, we wish you a magnificent anniversary and many more years together, you and Frank. We love you very much!

You are quite a woman. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative **USHER**: Mr. Speaker, Men and Women of the House. I can't let this go on without saying anything, because Sally used to live in Westbrook. Her brother lives in my district and she is in contact with him on a daily basis. She is well known in her community. I not only congratulate her on her 50th anniversary, but to her retirement by being in the Legislature. You can compare the Legislature to hometown politics and hometown politics is the toughest job.

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

Representative **LESSARD**: Mr. Speaker, Men and Women of the House. On behalf of the 120th House of Representatives there are flowers that we all got together for Sally. I know she will have to take them back and put them away. Congratulations, Sally.

The **SPEAKER**: The Chair recognizes the Representative from Patten, Representative Landry.

Representative **LANDRY**: Mr. Speaker, Men and Women of the House. Actually what I said to Frank this morning, Mr. Speaker, was don't get too comfortable. It may not last.

PASSED and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 550) (L.D. 1708) Bill "An Act to Streamline the Administration and Enforcement of the Work Permit Provisions of Child Labor Laws" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-295)**

(H.P. 161) (L.D. 172) Resolve, to Ensure Comprehensive and Accurate Medical Eligibility Assessments (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-660)**

(H.P. 255) (L.D. 291) Bill "An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-666)**

(H.P. 475) (L.D. 615) Bill "An Act to Eliminate the Marriage Penalty under the Income Tax Laws" Committee on **TAXATION**

reporting **Ought to Pass as Amended by Committee Amendment "A" (H-657)**

(H.P. 1167) (L.D. 1567) Bill "An Act to Require Registration of Unlicensed Assistive Personnel" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-661)**

(H.P. 1353) (L.D. 1810) Bill "An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-658)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence and 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**.

ENACTORS

Emergency Measure

An Act to Provide for the Transfer of Assets of Hospital Administrative District No. 1 to a Nonprofit, Nonstock Private Corporation

(H.P. 561) (L.D. 716)
(C. "A" H-624)

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

On motion of Representative COLWELL of Gardiner, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Emergency Measure

An Act to Amend the Animal Welfare Laws

(S.P. 356) (L.D. 1170)
(C. "A" S-286)

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

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I just wanted everybody in the House to know as they vote on this bill that this bill doubles the fees for selling animal food, pet food, from \$30 to \$80 is one fee and from \$40 to \$80 is the other. Thank you.

Representative **WATERHOUSE** of Bridgton **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 301

YEA - Ash, Blanchette, Bliss, Bouffard, Bowles, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chizmar, Collins, Colwell, Cote, Cowger, Dudley, Dugay, Dunlap, Fisher, Foster, Fuller, Gagne, Gerzofsky, Gooley, Hall, Hatch, Hawes, Hutton,

Jacobs, Jodrey, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McLaughlin, Mendros, Michael, Michaud, Mitchell, Morrison, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Richard, Richardson, Savage, Simpson, Skoglund, Smith, Tarazewich, Thomas, Trahan, Twomey, Usher, Volenik, Watson, Wheeler EM, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Bruno, Buck, Chase, Chick, Clark, Clough, Crabtree, Cressey, Davis, Desmond, Duncan, Duprey, Glynn, Goodwin, Haskell, Heidrich, Honey, Kasprzak, Labrecque, Ledwin, MacDougall, Madore, McKenney, McNeil, Murphy T, O'Brien JA, Peavey, Perkins, Pinkham, Povich, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Treadwell, Waterhouse, Weston, Young.

ABSENT - Bagley, Baker, Belanger, Berry RL, Brannigan, Cummings, Daigle, Dorr, Duplessie, Estes, Etnier, Green, Jones, Lovett, Mailhot, Marrache, McKee, Murphy E, Muse K, Nass, Nutting, Perry, Quint, Rines, Rosen, Stanley, Sullivan, Tessier, Tuttle, Wheeler GJ, Winsor.

Yes, 75; No, 45; Absent, 31; Excused, 0.

75 having voted in the affirmative and 45 voted in the negative, with 31 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Create the Maine Health Data Processing Center

(H.P. 980) (L.D. 1304)
(C. "A" H-620)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 84 voted in favor of the same and 47 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Acts

An Act Directing the Department of Human Services to Adjust Dental Reimbursement Rates Under the Medicaid Program

(H.P. 375) (L.D. 477)
(C. "A" H-625)

An Act to Strengthen Maine's Worker Advocate Program

(S.P. 198) (L.D. 670)
(S. "B" S-262)

An Act to Ensure That State Employees Receiving Workers' Compensation and Filling a Limited Period Position Remain in Their Respective Bargaining Units

(H.P. 592) (L.D. 747)
(C. "A" H-547)

An Act to Require That the Principles for Reimbursement for Private Nonmedical Institutions and Board and Care Institutions be Major Substantive Rules

(H.P. 708) (L.D. 923)
(C. "A" H-608)

An Act to Require that Benefits for Disability be Continued During a Period of Vocational Rehabilitation under the Workers' Compensation Act

(H.P. 883) (L.D. 1175)
(S. "A" S-302 to C. "A" H-365)

An Act to Require Reporting of Activities under the Workforce Investment Act of 1998

(H.P. 1042) (L.D. 1399)
(C. "A" H-634)

An Act to Encourage Greater Acquisition, Deployment and Use of Automated External Defibrillators

(H.P. 1069) (L.D. 1432)
(S. "B" S-294 to C. "A" H-569)

An Act to Improve Pension Benefits for Employees in the Department of Environmental Protection

(H.P. 1166) (L.D. 1566)
(C. "A" H-619)

An Act to Increase the Number of Licensed Speech-Language Pathologists to Serve Maine Schools

(S.P. 508) (L.D. 1595)
(C. "A" S-284)

An Act to Enhance the Safety and Health of Students in Public School Facilities

(H.P. 1249) (L.D. 1697)
(C. "A" H-626)

An Act Regarding the Treatment of American Indian Tribes Under the Federal Unemployment Tax Act

(S.P. 575) (L.D. 1753)
(C. "A" S-259)

An Act Regarding the Length of Service for Retirement Benefits for Certain State Employees

(H.P. 1333) (L.D. 1789)
(C. "A" H-615)

An Act Regarding the Training Requirements for Certain Employees of the Department of Public Safety

(S.P. 635) (L.D. 1815)

An Act to Provide Funding Related to the Lewiston-Auburn College Teachers for Elementary and Middle Schools Project

(S.P. 638) (L.D. 1817)

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

Resolves

Resolve, to Provide Adequate Patient Care Staffing for Certain Home Care Programs

(H.P. 479) (L.D. 619)
(C. "A" H-632)

Resolve, to Ensure Consumer Access to Home Care Services

(H.P. 500) (L.D. 640)
(C. "A" H-621)

Resolve, to Provide a Process for Amending the Cost-sharing Method Used in School Administrative District No. 33

(S.P. 283) (L.D. 994)
(C. "A" S-285)

Resolve, to Create the Commission to Study the Administrative Structure for Providing Services to the Blind and Visually Impaired

(S.P. 558) (L.D. 1720)
(C. "A" S-283)

Resolve, Regarding Legislative Review of Chapter 299: Highway Driveway and Entrance Rules, Parts A and B, a Major Substantive Rule of the Department of Transportation

(H.P. 1311) (L.D. 1774)
(C. "A" H-627)

Resolve, Regarding Pharmacists and Pharmaceutical Benefits

(S.P. 636) (L.D. 1816)

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

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

An Act Concerning Patient Access to Eye Care Providers

(S.P. 97) (L.D. 323)
(C. "A" S-269)

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

On motion of Representative GLYNN of South Portland, was **SET ASIDE**.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. This item was debated by the members of the House last week concerning an insurance mandate, which would have the effect of increasing health insurance premiums for folks in the State of Maine. This bill, to remind members, was opposed by the administration; our commissioner opposed this bill, as well as a number of people who opposed losing this gatekeeper concept. I urge members to vote against this item and not raise health insurance premiums in Maine. When the vote is taken, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 302

YEA - Annis, Ash, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Hall, Hatch, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Povich, Richard, Richardson, Rosen, Savage, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Sullivan, Tarazewich, Thomas, Tobin J, Tracy, Trahan, Twomey, Usher, Volenik, Watson, Winsor, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Buck, Chase, Clough, Collins, Crabtree, Cressey, Duprey, Foster, Glynn, Gooley, Haskell, Hawes, Heidrich, Kasprzak, Labrecque, Ledwin, MacDougall, McKenney, Murphy T, Nass, Peavey, Schneider, Stedman, Tobin D, Treadwell, Waterhouse, Wheeler EM.

ABSENT - Bagley, Baker, Cummings, Duplessie, Estes, Goodwin, Green, Lovett, Marrache, Murphy E, Muse K, Nutting, Quint, Rines, Stanley, Tessier, Tuttle, Weston, Wheeler GJ, Young.

Yes, 101; No, 30; Absent, 20; Excused, 0.

101 having voted in the affirmative and 30 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Permit Foster Parents to Purchase Group Health Insurance

(H.P. 275) (L.D. 353)
(S. "A" S-264)

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

On motion of Representative O'NEIL of Saco, was **SET ASIDE**.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-264)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-644)** to **Committee Amendment "A" (S-264)** which was **READ** by the Clerk.

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

Representative O'NEIL: Mr. Speaker, Ladies and Gentlemen of the House. This amendment (H-644) amends the fiscal note. It still doesn't have a dollar sign on it that says that the experience rating of the plan may be affected. Thank you.

House Amendment "A" (H-644) to **Committee Amendment "A" (S-264)** was **ADOPTED**.

Committee Amendment "A" (S-264) as Amended by **House Amendment "A" (H-644)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-264)** as Amended by **House Amendment "A" (H-644)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

An Act to Protect Nongroup and Small Group Insureds

(H.P. 765) (L.D. 984)
(C. "A" H-617)

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

On motion of Representative O'NEIL of Saco, was **SET ASIDE**.

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

An Act to Create Uniform Underwriting Standards for Determining Eligibility for Certain Group Policies

(S.P. 379) (L.D. 1217)
(C. "A" S-270)

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

On motion of Representative COLWELL of Gardiner, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

An Act to Prohibit the Use of State Funds by Health Care Providers to Influence Union Organizing

(H.P. 1037) (L.D. 1394)
(C. "A" H-567)

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

On motion of Representative TREADWELL of Carmel, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. I just would like to remind everybody that this bill, LD 1394, will severely curtail the communications between the hospital administration and the staff if they are receiving any federal or Medicaid money. Under current law there is no prohibition for the hospital, the administration, to communicate with their staff in matters regarding patient care. This bill will severely curtail that line of communications. I would urge you to vote against the bill and I would ask for a roll call, Mr. Speaker.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative HUTTON: Mr. Speaker, Men and Women of the House. I don't want to debate this. We have gone through the debate. I just wanted to remind people that this would in no way infringe upon the hospital's right to speak with their employees. It just simply means that they cannot use tax dollars when they are doing that for funding. That is all. Thank you.

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

ROLL CALL NO. 303

YEA - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davis, Desmond, Dorr, Dudley, Dunlap, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, Mendros, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Richard, Richardson, Savage, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Thomas, Tracy, Twomey, Usher, Volenik, Watson, Mr. Speaker.

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

ABSENT - Andrews, Bagley, Baker, Cummings, Dugay, Duplessie, Estes, Goodwin, Green, Lovett, Marrache, Murphy E, Muse K, Quint, Rines, Stanley, Tessier, Tuttle, Wheeler GJ, Winsor.

Yes, 76; No, 55; Absent, 20; Excused, 0.

76 having voted in the affirmative and 55 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Address the Health Effects of Mercury Fillings
(S.P. 429) (L.D. 1409)
(C. "A" S-278)

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

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

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

Representative BERRY: Mr. Speaker, Men and Women of the House. Because of a meeting when this bill first came forward, I was not able to be here. I need to discuss some of the issues related to this bill. As I read the amendment to this bill, it talks about a dentist who uses mercury or a mercury amalgam in any dental procedure. First of all, I don't know of any dentist who uses mercury in a dental procedure. It would be very difficult to make it stay in place. It doesn't bond. Mercury amalgam is a completely different story because since it is a composite material, it is a bonded material, which has great resistance. It has been used for a very long time in the dental industry and is going to continue to be used, regardless of the number of statements, instead of the word hoax, that exists.

I listened to some of the discussion related to this situation. When people came forward and said that I have been affected by or my child was affected by this. I understand those things. That is not a questionable item. What is questionable is the lack of anyone saying to those individuals please bring forward the evidence and display the evidence of the tests of those individuals that show this reaction.

The business of science is based upon scientific fact. It is not based upon hearsay. It is not based upon innuendos. It is based upon facts of the system. Much of this process started many years ago with a graduate from the University of Iowa Dental School. That individual started propagating this process that mercury amalgam caused major problems in individuals.

I have said this before. We could probably cure the process if we just simply took and voted to remove mercury from the periodic table. We could do the same with arsenic. We could do it the same with bismuth. We could do the same with any other element that caused problems. We know scientifically that mercury as it stands with itself does cause problems. The Mad Hatters of Connecticut are excellent examples of people who suffered from mercury vapor as they dipped hats into boiling mercury to set the hat frame. The great chemists Joseph Priestly and Michael Faraday, both were exposed at length to mercury materials. In fact, Faraday wrote a long discussion about the effects of mercury vapor on memory, vision. This is not mercury vapor. This is mercury amalgam. We are going to require a dentist to place a poster in an office and hand out a brochure that says that mercury amalgam could do something.

I asked the question to members of the committee, does that poster or brochure contain on it a statement that says, dental composites, when chewed, also produce silicates, which also can produce a carcinogenic reaction. The answer was no. If we are going to give people the entire information, then give people the entire information and not a piece of that information. Mr. Speaker, I would move that this bill and all of its papers be Indefinitely Postponed and would request a roll call.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his 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 Hallowell, Representative Cowger.

Representative COWGER: Mr. Speaker, Colleagues of the House. Indeed we did not debate this bill earlier because it was a very strong bipartisan majority of our committee that agreed with the legislation. I urge you to join with all of us and vote against the pending motion.

Our committee, the Natural Resources Committee, sat through two very lengthy public hearings, first because we had a concept draft and secondly, once we put legislation out there, we thought it was important enough to continue to get public input. All of us on the committee have reams of peer reviewed scientific literature on our desks and in our files that talk about the risks and the benefits of amalgam fillings. As we looked through this literature, it was clear that there are concerns that we think the public should be aware of. There are many other countries, as a matter of fact, that have banned the use of amalgam fillings.

The Minority Report of the committee, not what is before you for enactment, was actually to ban fillings in children and pregnant women. The majority of the committee felt very strongly that there wasn't sufficient evidence, not sufficient scientific evidence to ban amalgam. Clearly there are not suitable alternatives to ban amalgams. Clearly there is enough scientific evidence out there to notify consumers, first of all, that amalgam fillings do contain mercury. A lot of people aren't even aware of that. Secondly, there may be some very possible risks out there.

What this bill does is it requires the Bureau of Health to develop a brochure. The language in that brochure isn't before us. It will come back as a major substantive rule and we will have an opportunity as a committee and as a legislative body to look at the details of what is in that brochure. The brochure will explain the advantages and disadvantages of both mercury amalgam fillings and other alternatives. The answer to the good Representative from Belmont is, yes, not no. Yes, this brochure will talk about the risks of alternative fillings, because there are very few, if any, cost effective alternatives at this point to mercury amalgam. There are indeed some very great benefits to a lot of the public in Maine who cannot afford very costly alternatives such as gold.

I urge you to vote against the pending motion. The committee has done a lot of work on this issue. We are going to be looking at the language in this brochure down the road. It is to make the consumer aware and that is it. The poster that will be posted in dental offices will say nothing more than there is a brochure available. Please get one and read it. This brochure, again, will talk about advantages and disadvantages of both amalgams and the alternatives. I urge you to vote against the pending motion. Thank you.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I would like to second the remarks of my good friend from Hallowell. I don't think we have a very good awareness of what type of mercury compound had been included in consumer products in the past. I was rather surprised when I got contact lenses some years ago and subsequently developed an acute case of conjunctivitis because there was a mercury preservative in the solutions that it turned out I was allergic to and had no idea

they were there. I think for people's general information and general good health, we should have this information for the public.

Representative McKENNEY of Cumberland **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I would like to clarify that my Minority Report vote was simply that I wanted our committee to go further and actually to consider the ban on pregnant women and small children. Our committee heard a lot of evidence that points to the dangers of the release of mercury vapor from fillings, particularly for pregnant women. Those vapors cross the placental barrier and because mercury is a neurotoxin, it is much more difficult for a growing fetus to handle the mercury. They don't yet have the bile function. While we don't have enough proof, there is concern that mercury from the mother's fillings is a contributor to them. We certainly know there is an increase in autism. We don't know the reasons. We know there is an increase in Alzheimers, but we don't know the reasons. Interestingly, the brain scans show a similar effect of the mercury vapor and what happens in the brain in an Alzheimer's patient. I think that the alarms have sounded, but the Natural Resources Committee cannot afford to get out ahead of proven science. I think the majority felt this was a conservative measure.

I would like to simply apprise you of an action that has taken place on May 9 in Maryland where dentists are suing state regulators over what they contend is a gag order preventing them from discussing with patients the potential health hazards of this most common form of dental filling. In other words, the dentists are suing because of the gag order. That gag order comes from those who regulate the industry. What has been referred to as silver fillings are actually half mercury, with some silver, copper, tin and zinc mixed in. Mercury opponents argue that mercury vapor coming from the fillings seeps into the body contributing to a range of health problems from fatigue and immunity suppression to neurological diseases, such as Parkinsons, Alzheimers and autism.

Plaintiffs in this case, interestingly, argue that dental regulators use "the control of dental licenses to punish or to threaten punishment of dentists who criticize mercury amalgams." Effectively, there has been a gag order. These dentists contend that their First Amendment rights are violated. I hope that you will support the committee's attempt to simply inform dental patients about what constitutes mercury amalgam. Perhaps we, as the good Representative has suggested, will want to increase that to other mercury amalgam substitutes. I believe that consumers have the right to know what is in the products, particularly those that go into our bodies, particularly those that go into their mouths, particularly those that can cross a placental barrier and affect growing children. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. We indeed did hear a lot of testimony on this. We did have a lot of reports on peer reviews and what other states are doing. In particular for me was this woman who was standing in the back of the room with a picture of her child. She wanted so badly to talk, but the public hearing was over. I asked if we could suspend the rules and allow her to talk, but Senator Martin informed me that I could ask any question I wanted. I did have her come up and I asked her what she felt about this? It was her story, for me, that is why I chose to go on the Minority Report. I didn't think we were doing enough. When she was

pregnant, she went and had fillings put in her mouth. Unbeknownst to her, it was mercury. Her child was born and her child had autism. It could have been a coincidence. It could have been anything except that she had the child tested and the child's reports came back with unacceptable levels of mercury. She was devastated. She was a young, caring mother who said that had she read any brochure, had she been informed at all, she would not have made those choices. That is all this bill is doing is to give people some information. They can continue to get their silver fillings or they can choose something else. That is all this does. Please support the committee on this. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Just to speak briefly on this bill. This is one of those amazing committee phenomena where we had many different opinions. I, for one, see no harm whatsoever in mercury amalgam fillings. I heard all the testimony. I believe essentially none of it. There are many people and all I can guarantee you that all they had was passion, very little science. However, I did sign on with the Majority Report to acknowledge that we would have this brochure created because of a couple of things. Number one, it is being written by Doctor Mills and her department. I have confidence that she will do a good job. She will give balanced information on both sides of the issue. Number two, it is a major substantive rule, which means our very same committee gets to see it again next year. If it gets too far astray, we will change it. I am just not that concerned. You definitely have heard a lot of passion here today. You will not, thankfully, go through the hours of public hearing on this matter. This compromise, I think, is acceptable.

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

ROLL CALL NO. 304

YEA - Annis, Berry DP, Bowles, Chase, Clough, Collins, Cressey, Dugay, Duncan, Duprey, Foster, Heidrich, Kasprzak, Labrecque, MacDougall, Mendros, Morrison, Nass, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Stedman, Treadwell, Waterhouse, Winsor.

NAY - Andrews, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Crabtree, Daigle, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Hall, Haskell, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michael, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Snowe-Mello, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Mr. Speaker.

ABSENT - Bagley, Cummings, Estes, Green, Lovett, Marrache, Muse K, Quint, Stanley, Tessier, Tuttle, Wheeler GJ, Young.

Yes, 28; No, 110; Absent, 13; Excused, 0.

28 having voted in the affirmative and 110 voted in the negative, with 13 being absent, and accordingly the motion to

INDEFINITELY POSTPONE the Bill and all accompanying papers **FAILED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

An Act to Implement the Recommendations of the Committee to Study Further Decriminalization of the Criminal Laws of Maine (H.P. 1086) (L.D. 1455) (C. "A" H-604)

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

On motion of Representative COLWELL of Gardiner, was **SET ASIDE**.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Amend the Comprehensive Planning and Land Use Regulation Laws

(S.P. 547) (L.D. 1693)
(C. "A" S-265)

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

On motion of Representative KASPRZAK of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 305

YEA - Andrews, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Canavan, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Annis, Bowles, Buck, Carr, Chase, Cressey, Duprey, Foster, Haskell, Kasprzak, MacDougall, Mendros, Morrison, Nutting, Perkins, Pinkham, Snowe-Mello, Stedman, Tobin J, Trahan, Treadwell, Waterhouse, Weston.

ABSENT - Bagley, Bunker, Cummings, Daigle, Estes, Green, Labrecque, Lovett, Marrache, Michael, Muse K, Shields, Stanley, Tuttle.

Yes, 114; No, 23; Absent, 14; Excused, 0.

114 having voted in the affirmative and 23 voted in the negative, with 14 being absent, and accordingly the Bill was

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

An Act to Recognize Exemplary Efforts to Lower the Cost of Prescription Drugs

(S.P. 560) (L.D. 1722)
(C. "A" S-287)

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

On motion of Representative KASPRZAK of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I was intending to say just a little bit more. You will recall that this bill, ladies and gentlemen of the House, is the scarlet letter bill on prescription drug companies and I would encourage you to vote no. Thank you.

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

ROLL CALL NO. 306

YEA - Annis, Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Canavan, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Nass, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Buck, Chase, Crabtree, Cressey, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Kasprzak, MacDougall, McKenney, McNeil, Mendros, Michael, Morrison, Nutting, O'Brien JA, Pinkham, Rosen, Sherman, Shields, Snowe-Mello, Stedman, Trahan, Treadwell, Waterhouse, Weston, Winsor.

ABSENT - Bagley, Bunker, Cummings, Daigle, Estes, Goodwin, Green, Labrecque, Lovett, Marrache, Muse K, Stanley, Tuttle.

Yes, 105; No, 33; Absent, 13; Excused, 0.

105 having voted in the affirmative and 33 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, to Clarify the Principles of Reimbursement for Nursing Facilities

(H.P. 347) (L.D. 437)
(C. "A" H-633)

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

On motion of Representative COLWELL of Gardiner, was **SET ASIDE**.

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

Resolve, Directing the Department of Human Services to Adjust the Cap on Direct-care Staff Costs for Residential Care Facilities

(H.P. 853) (L.D. 1125)
(C. "A" H-622)

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

On motion of Representative COLWELL of Gardiner, was **SET ASIDE**.

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

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

An Act to Provide for the Transfer of Assets of Hospital Administrative District No. 1 to a Nonprofit, Nonstock Private Corporation

(H.P. 561) (L.D. 716)
(C. "A" H-624)

Which was **TABLED** by Representative COLWELL of Gardiner pending **PASSAGE TO BE ENACTED**.

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Implement the Recommendations of the Department of Environmental Protection on Ambient Water Quality Criteria for Mercury

(S.P. 393) (L.D. 1308)
(C. "A" S-276)

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

On motion of Representative COWGER of Hallowell, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-276)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-638)** to **Committee Amendment "A" (S-276)** which was **READ** by the Clerk.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. Very briefly. The committee worked very hard

through many work sessions to come up with, indeed, a unanimous report on this mercury bill. The Revisor's Office in drafting the final version of the bill threw a couple of words in that were indeed not intended to be there. This merely removes the words water quality from the bill. Thank you.

House Amendment "A" (H-638) to **Committee Amendment "A" (S-276)** was **ADOPTED**.

Committee Amendment "A" (S-276) as Amended by **House Amendment "A" (H-638)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-276)** as Amended by **House Amendment "A" (H-638)** thereto in **NON-CONCURRENCE** and sent for concurrence.

Emergency Measure

An Act Regarding Contracts for Energy Conservation and Air Quality Improvements in School Buildings

(S.P. 448) (L.D. 1502)
(H. "A" H-618 to C. "A" S-225)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Change the Retirement Eligibility Requirement for Game Wardens and Marine Patrol Officers

(S.P. 495) (L.D. 1584)
(C. "A" S-257)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Revise Certain Provisions of Maine's Fish and Wildlife Laws

(S.P. 546) (L.D. 1692)
(C. "A" S-187; H. "A" H-611; S. "A" S-268)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 8 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Clarify, Enhance and Strengthen the Animal Welfare Laws of Maine

(H.P. 1260) (L.D. 1695)
(C. "A" H-613)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Authorizing a Study of the Governance and Administrative Structure of the Workers' Compensation System and Authorizing One-time Uses of the Workers' Compensation Board Reserve Account

(S.P. 77) (L.D. 297)
(C. "A" S-266)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 27 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish a Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools

(H.P. 725) (L.D. 945)
(C. "A" H-631)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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

(H.P. 1314) (L.D. 1778)
(C. "A" H-549)

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

On motion of Representative RICHARDSON of Brunswick, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

The same Representative **PRESENTED House Amendment "A" (H-636)** which was **READ** by the Clerk.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. This House Amendment strips the emergency enactment clause.

Representative **WATERHOUSE** of Bridgton **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-636)**.

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

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. It seems as if in every Legislature there is a barking dog bill. We did lay to rest already the barking dog bill, the butt bill, but this is the son of the barking dog. As we look at setting our priorities, at this point, given the money conditions, they should rise to the level of being able to pass as an emergency

bill in terms of being a top priority of this body. I think stripping off the emergency is a clear sign that this bill does not rise to that level that it warrants being paid for by a tax increase.

I would also raise a procedural question that by stripping off the emergency, this would mean that this study, which will be reporting back to the second session, would not be able to have its membership in place in its first meeting prior to mid-September or the end of September. I think this bill really needs to have a muzzle put on it. I would urge you to vote against son of barking dog.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. This bill like all the other bills will go down onto the Appropriations Table and compete with everything else. I know this offends some people. This is not the cigarette redemption bill. More importantly, it is a bill more like the environment, because what it does is it looks at cigarette butts, which are not biodegradable, and determines that perhaps there is a different way of looking at it. Perhaps there is a different way of doing business that might reduce down the cigarette litter in Maine and do something for our environment. It might also reduce down the millions of dollars the State of Maine and its municipalities pay to clean up cigarette litter in the State of Maine. It also might reduce down the millions of dollars that our innkeepers who brought this bill to us pay in order to keep down the costs of cigarette littering. I just ask that you simply allow this to go down and compete on the table like the rest of the barking dogs.

The **SPEAKER**: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. As a former talk show host, I used to love these bills. These are things that we can talk about. This provides up food for thought for a long time. I think the talk show hosts in Portland and other places owe us a debt of gratitude for passing bills like this because this gives them plenty of opportunity to make fun of the Legislature. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-636). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 307

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Canavan, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, McDonough, McGlocklin, McKee, McLaughlin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bouffard, Bowles, Bruno, Buck, Bumps, Carr, Chase, Chick, Clough, Crabtree, Cressey, Dugay, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, Mayo, McGowan, McKenney, McNeil, Mendros, Michael, 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, Tracy, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Young.

ABSENT - Bagley, Bunker, Cummings, Daigle, Estes, Green, Labrecque, Lovett, Marrache, Muse K, Stanley, Tuttle, Winsor.
Yes, 75; No, 63; Absent, 13; Excused, 0.

75 having voted in the affirmative and 63 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-636)** was **ADOPTED**.

Representative KASPRZAK of Newport **REQUESTED** a roll call on **PASSED TO BE ENGROSSED as Amended**.

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

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

ROLL CALL NO. 308

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Canavan, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, McDonough, McGlocklin, McKee, McLaughlin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bouffard, Bowles, Bruno, Buck, Bumps, Carr, Chase, Chick, Clough, Crabtree, Cressey, Dugay, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, Mayo, McGowan, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Povich, Quint, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Bunker, Cummings, Daigle, Estes, Green, Labrecque, Lovett, Marrache, Muse K, Stanley, Tuttle.

Yes, 74; No, 65; Absent, 12; Excused, 0.

74 having voted in the affirmative and 65 voted in the negative, with 12 being absent, and accordingly the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-549)** and **House Amendment "A" (H-636)** in **NON-CONCURRENCE** and sent for concurrence.

**Emergency Measure
Resolve Pursuant to the Constitution
Public Land**

Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands

(H.P. 1337) (L.D. 1791)
(H. "A" H-637 to C. "A" H-582)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provision of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 8 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Implement Changes in Cost-sharing Agreements in School Districts

(H.P. 977) (L.D. 1301)
(C. "A" H-628)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 29 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-271)** on Bill "An Act to Strengthen the Authority of the Bureau of Insurance"

(S.P. 172) (L.D. 590)

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

DUDLEY of Portland

MICHAEL of Auburn

SMITH of Van Buren

MAYO of Bath

O'NEIL of Saco

CANAVAN of Waterville

MARRACHÉ of Waterville

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

Signed:

Senators:

LaFOUNTAIN of York

ABROMSON of Cumberland

Representatives:

YOUNG of Limestone

SULLIVAN of Biddeford

GLYNN of South Portland

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

READ.

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

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

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

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

ROLL CALL NO. 309

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry,

LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Tarazewich, Tessier, Thomas, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, McKenney, McNeil, Mendros, Morrison, Murphy E, Murphy T, Nass, Nutting, Perkins, Povich, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Sullivan, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Bouffard, Bryant, Buck, Cummings, Dugay, Estes, Labrecque, Lovett, Muse K, Pinkham, Stanley, Tuttle, Weston.

Yes, 82; No, 55; Absent, 14; Excused, 0.

82 having voted in the affirmative and 55 voted in the negative, with 14 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-271)** was **READ** by the Clerk.

Representative DUDLEY of Portland **PRESENTED** **House Amendment "A" (H-678)** to **Committee Amendment "A" (S-271)**, which was **READ** by the Clerk.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. This bill deals with advocacy panels and rate filings with the Bureau of Insurance for health insurance. An oversight in the Committee Amendment was a requirement that the staffing needs for these advocacy panels could be done either with existing resources within the department or hired out to a third party, which lead to a very high fiscal note. This amendment says that the Bureau also has an option to hire staff to conduct the requirements of the advocacy panels, which stands to save a few hundred thousand dollars on the fiscal note line. I want to mention these aren't general fund costs, these are fees that would be then passed on to the industry. Thank you very much.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to give you a little more information about this bill and the pending amendment. First of all, how this bill is going to be paid for is it is going to be passed on to the insurance ratepayers. This bill purports these advocacy panels and it is going to be paid for by increased premiums for health insurance and actually because it is being used as a broad insurance, it will probably increase the auto lines as well for this bill. When the testimony was received by the Banking and Insurance Committee, this issue was raised and it was actually advised against by the superintendent of insurance. He had explained that in order to do these types of services, he will employ actuarial services, which are very, very expensive. He threw out the range of \$400,000 to \$600,000 a year. He estimated that there were going to be between 30 and 40 filings this year and that is according to the superintendent from the Bureau of Insurance.

What really are these fiscal notes all about? Having sat through the hearing, aside from hearing that folks who are upset that Blue Cross and Blue Shield was sold to Anthem, I have no

idea why this bill is being considered. It is setting up advocacy panels that are going to hear complaints with items like, for instance, dealing with rates, although they are going to have no final setting authority in order to challenge a rate. In essence, what you are going to have is a bunch of panels set up that aren't going to have any authority to do anything and everybody's insurance is going to go up. It is going to go up significantly. This end run that has been proposed in front of you now of taking the fiscal note and draining it so that we instead can create a structural gap situation, I think is deplorable. I think it is a very bad idea for us to take a fiscal note because it is unattractive, expensive and just say it is not really that much. It is only a third of it. We will give the department heads options and that will reduce the rate. That will reduce the rate.

Having sat on Banking and Insurance, this is my second term, I don't believe so. I believe that the expertise that is going to be necessary is going to have to be outsourced for what is called for in this bill. I believe what the superintendent and what the department had testified on this. Mr. Speaker, this bill has now become so problematic with this fiscal note, I would like to move for Indefinite Postponement of the bill and accompanying papers.

The **SPEAKER**: That motion is out of order at this time.

Representative **GLYNN** of South Portland moved that **House Amendment "A" (H-678)** to **Committee Amendment "A" (S-271)** be **INDEFINITELY POSTPONED**.

Representative **COLWELL** of Gardiner **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** **House Amendment "A" (H-678)** to **Committee Amendment "A" (S-271)**.

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 Portland, Representative Dudley.

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. The Representative from South Portland makes a confusing point. I don't know how cutting a fiscal note by two-thirds makes a bill problematic. That is a new one to me. The point here is an advocacy panel is a panel set up by the superintendent of the Bureau of Insurance on a rate filing or some sort of change of control of the health insurers. The reason to do this is to get groups of citizens who are trying to understand the process and trying to play a role in the process of deciding the fate of the rate filing or the change of control, to give them as much information and as much control over the process as the attorneys working for the parties. It is to level the playing field so citizens can have meaningful involvement in these processes. That is all this bill does. It is optional. The superintendent of insurance is only going to call for this when he deems it is necessary or when she deems it is necessary, the end result being a reduction in the number of requests for rate filing increases and also an abandonment completely of some rate filing increases. 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. For anyone who might be able to answer it, the petitioning insurer has to pay for the cost of this panel. My question is, how many are in the panel, how much are they paid and what criteria does the commissioner have for selecting them?

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-678) to Committee Amendment "A" (S 271). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 310

YEA - Andrews, Annis, Berry DP, Bowles, Bruno, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Fisher, Foster, Glynn, Haskell, Heidrich, Jodrey, Kasprzak, Ledwin, MacDougall, Matthews, McKenney, McNeil, Mendros, Morrison, Murphy E, Murphy T, Nass, Nutting, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Sullivan, Tobin D, Tobin J, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Ash, Baker, Belanger, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Tarazewich, Tessier, Thomas, Tracy, Trahan, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

ABSENT - Bagley, Bouffard, Buck, Cummings, Dugay, Estes, Labrecque, Lovett, Muse K, Stanley, Tuttle.

Yes, 51; No, 89; Absent, 11; Excused, 0.

51 having voted in the affirmative and 89 voted in the negative, with 11 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-678) to Committee Amendment "A" (S-271) FAILED.**

Subsequently, **House Amendment "A" (H-678) to Committee Amendment "A" (S-271) was ADOPTED.**

Committee Amendment "A" (S-271) as Amended by House Amendment "A" (H-678) 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-271) as Amended by House Amendment "A" (H-678) thereto in NON-CONCURRENCE** and sent for concurrence.

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

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-274)** on Bill "An Act to Address Issues in the Maine Health Insurance Market"

(S.P. 573) (L.D. 1745)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin

Representatives:

DUDLEY of Portland
SMITH of Van Buren
MAYO of Bath
O'NEIL of Saco

SULLIVAN of Biddeford
CANAVAN of Waterville
MARRACHÉ of Waterville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-275)** on same Bill.

Signed:

Senator:

ABROMSON of Cumberland

Representatives:

MICHAEL of Auburn

YOUNG of Limestone

GLYNN of South Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274).**

READ.

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

The same Representative **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 Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Colleagues of the House. LD 1745 is a bill that consumed a lot of time in the Banking and Insurance Committee this session. It is a bill that was presented to us from the Executive as an outgrowth of his Blue Ribbon Commission on Health Care. The committee worked long and hard on the bill. It was compromise after compromise. What we have come up with is a few things. It extends continuity coverage protection for senior and disabled citizens, leaving the Drugs for the Elderly Program. It allows increased rates for smokers and discounts for non-smokers outside of the rating bans. It sets minimum standards for benefit levels and it limits preexisting condition exclusions. It is a 9 to 4 report that we worked throughout this session and it doesn't solve all the world's problems, but it will help out a little bit. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and ask my colleagues to consider moving on to the Minority Report. The Minority Report and the Majority Report differ on one point. That point concerns addressing the high costs of health care insurance. On several occasions I have stood as a member of Banking and Insurance and informed the members of the House that this bill, that bill and the other bill that we are looking at are going to increase health insurance in Maine. This represents one of the few opportunities you have, as a legislator, this session to decrease the cost of health insurance. Health insurance costs are the number one priority for many of our constituents. We know that there are proposals for expanding public programs, but these require funding and ongoing funding, which we are simply unable to afford. We need both a healthy private insurance market and an accountable public programs. Insurance costs for individuals and small businesses have become unaffordable and we must take steps to mitigate these steep increases. An example under the scenario presented by the Executive is that of an individual policy with a \$250 deductible for family coverage costs approximately

\$1,225 a month or \$14,700 per year. What LD 1745 does is it takes modest steps to increase the insured pool, which in turn can help stem the rate of premium increases. All of the things in LD 1744 that was proposed by the Executive to decrease health insurance was gutted by the Banking and Insurance Committee.

The Minority Report restores one of these items if we defeat the pending motion and move on to it. I think it is important that we focus on what the Executive presented and what the Banking and Insurance Committee has presented for you to consider, which is a much more scaled down version of that bill. What the issue focuses in on is community rating, the ability to attract healthy people into the individual market pool. Individual health insurance market is incredibly expensive. One of the reasons why is healthy people have left the pool. The target group of LD 1745 are the people that are under 30. Those people under 30 are predominately much more healthy than the balance of the risk pool and they don't buy health insurance. They can't afford it. By having a health insurance product pricing levels, being able to be offered to them that is more affordable and is cheaper, the theory behind this bill, it is backed up by an information sheet that was prepared by the bureau and it was handed out this morning, is that it will attract younger people to enter the pool and thereby decreasing the cost for everyone in the pool. This is a good proposal. The Executive was really onto something with this.

The other aspect of the bill, which dealt with test pilot programs, that has been stripped out of both the Majority Report and the Minority Report. A lot of the other good things that are still in there. The last real thing, the change to the community rating, the difference between the Majority Report and the Minority Report, that is the difference that will enable each one of us to go back and tell your constituents that I did at least one thing to reduce the overburdened cost of health care. I ask that my colleagues vote no on this measure and move onto the Minority Report. Thank you.

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

Representative O'NEIL: Mr. Speaker, Ladies and Gentlemen of the House. Not to belabor a technical point. The good Representative from South Portland worked hard on this bill, too. We all had the desire to lower costs for health insurance throughout the deliberations on this. However, the proposals that came to us from the administration was predicated on one assumption that we felt was not on solid ground. That was by giving these young, healthy, male uninsured people a discount that amounts to about 7 percent off their premium, we were going to get 50 percent more of them in the market and that was going to help lower the cost for the older folks. The majority of the committee just could not buy that. It would not take the risk that if that didn't happen to a high enough threshold that, in fact, the community rating band, the base would bump up and the old folks would pay a higher price. That is the reason why we ultimately could not accept that. Thank you.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. I urge you to accept the Majority Ought to Pass as Amended Report, the motion before you. We did work a long time on this bill, even though it did come in fairly late in the session. I need to tell that when questioned, especially at the work sessions, the bureau admitted that this will not decrease the premiums you are paying. At best it may slow the rates of premiums. I would ask you to think very carefully about what the Representative from Saco has said. It is built on a very shaky premise. Actually it was about 2 percent over two years that young healthy people, if they could save approximately 2.5

percent a year, they would come in and so expand the pool that the rate for your seniors may drop. If that doesn't happen, your seniors pay more for health insurance. The bureau admits it will not lower the cost. If you vote for the Minority Report, then you are assuming that 2.5 percent a year for young people who think they are immortal anyway will so expand the pool, the more people will spread the risk and the rates will go down or at least the rate of increase will go down. I would ask you to consider very carefully that our seniors, the older people who tend to be more sick, use more prescriptions, could very well be at risk with this bill. Thank you.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. One of the problems that we have here is we are going to leave this legislative session soon and we will have not done anything for the private insurance market to make health insurance more affordable. What we are going to do is pass on more mandates, thereby driving up the cost of private health insurance and we are not willing to even attempt to try and lower the cost of health insurance as the Minority Report does in this bill. I am willing to give it a try. I don't think it hurts anyone to try it. We have seen the reports from the consultant. Mercier came out with a report that says if you do nothing, your premiums are going to shoot through the roof and the individual market is about to collapse. We can pass the Minority Report, which gives us half a chance. That is all the Minority Report does. It gives it a try. There is no evidence at all that the seniors are going to be not covered or their rates are going to go up. If you don't do anything, that is going to happen. We are trying to slow down the rates. We are trying to get a market back that is lost, but yet we have done nothing in this session. We have heard from many of our constituents that we have a problem with health insurance costs, but we will walk away from here having done nothing. I am not willing to do that. I am willing to try the Minority Report. Ladies and gentlemen, I ask that you try and bring back the individual market. If we don't do anything, we will see that market disappear and then we will have a real health insurance crisis in this state. Thank you.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. The Representative from Raymond, Representative Bruno, is correct. We don't really know what this will do, but the risk is there. The risk is very real that this will raise premiums for Maine's oldest and sickest people. When I came here this session, I came with a mind to do something about health care and access to health care, but it was never predicated on the notion of potentially raising costs and access to health care for Maine's sickest and most elderly people. Thank you.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I think it is important to focus in on two myths that have been floated in the chamber during this debate and really take a look and examine them and put them up against all your core beliefs that you have brought to this chamber. First of all, individual health insurance market, that market is not made up predominately of senior citizens. If you take a look at the individual health market, they tend to be self-employed people. They tend to be people that can't get health insurance through a group or through their employers. These are the people that this is their only option. It is incredibly expensive insurance. To say that this is an attack against senior citizens, I think is not a fair characterization at all.

The second myth, I think, is that this bill is based on a shaky premise. The shaky premise is that if you make a product cheaper, more people are going to buy it. How could that be a shaky premise? It sounds rock solid to me. I believe the Executive has a point. He has more than a point. He presented a plan and while a lot of us debate and we talk about reforms to the health insurance market, the Executive provided us with a solution. I say, let's endorse it. Let's defeat the pending motion and move on to the Minority Report.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. I find it necessary to make a slight correction in a statement made a minute ago by the good Representative from South Portland. A majority of those, according to the information that we got from Mercier, through the department and the Executive, a majority of those people in the individual market are from age 40 and up, according to the charts that were given to us on more than one occasion. This has been a very difficult issue because I think many of us, as we have spoken previously, came here this year with the hope of doing something to at least stabilize, I would say when I use the word stabilize, all that the Minority Report does is stabilize somewhat the increases that are going to take place. It is not a decrease. It is holding down future increases. We all had hoped there would be things that we could effect this year to do and to correct the problems within the health insurance industry or market. Unfortunately, we are going to leave here not having really, seriously been able to affect that issue. Certainly this bill, prior to the amendment, was going to do nothing but cost shift from the younger population to the older population. A major cost shift, doubtful, but a cost shift nevertheless because somebody, ladies and gentlemen, has to pay the bill. I would hope that at some point in the future we would see an ability to make some changes. We have done a number of positive things in this session with regard to prescription drugs and their costs, but this has not carried over into the area of insurance. Hopefully it will at some point. Today, I would seriously urge that you accept the Majority Ought to Pass Report and not make things that a majority of the Banking and Insurance Committee feel would make the matters worse, not improve them. Thank you.

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

ROLL CALL NO. 311

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

NAY - Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, Madore, McKenney, Mendros, Michael, Morrison, Murphy E, Murphy T, Nass, Nutting, Peavey, Perkins, Pinkham, Rosen, Schneider,

Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Buck, Cummings, Dugay, Goodwin, Labrecque, Lovett, Muse K, Stanley, Tuttle.

Yes, 89; No, 52; Absent, 10; Excused, 0.

89 having voted in the affirmative and 52 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-274) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-274)** in concurrence.

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

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-300)** on Bill "An Act to Provide Health Insurance Coverage for General Anesthesia and Associated Facility Charges for Dental Procedures for Certain Vulnerable Persons"

(S.P. 127) (L.D. 403)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

DUDLEY of Portland
SMITH of Van Buren
O'NEIL of Saco
SULLIVAN of Biddeford
CANAVAN of Waterville
MARRACHÉ of Waterville

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

Signed:

Representatives:

MICHAEL of Auburn
YOUNG of Limestone
MAYO of Bath
GLYNN of South Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-300).**

READ.

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

Representative GLYNN of South Portland **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 South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this insurance mandate, which is another cost to be passed on to the insurance payers and those that are having quite a bit of difficulty in our districts affording health insurance. When you look at the title regarding general anesthesia for dental procedures, it would lead one to believe that we are talking about dental insurance. That is not the case. This bill applies to health insurance, not dental insurance. Some other information that you should be aware of is that this bill is very much a specialty market. A report filed with the committee estimates that fewer than 500 Maine residents would require this coverage annually. The average cost is estimated to be approximately \$2,586 a person. That is \$740 for the anesthesia and \$1,846 for associated facility charges. A survey of major health insurers in Maine, all six of them in Maine, indicate that two of the six insurers currently cover general anesthesia provided in the hospital for dental services provided to children and adults depending on the severity of the person's medical or psychological problems. Twenty-four states and Puerto Rico have enacted similar legislation and only one state, New Hampshire, imposes a requirement on both dental insurance and health insurance. Given that information and given the fact of the unbelievable burdensome amount of money that we are asking Mainers to pay for health insurance caused, essentially, by a number of the mandates that we are enacting, why would we again step up to the plate and require one more added expense, one more thing piled onto this poor market? It is going to be very difficult for people when we adjourn. What are we going to tell them? All we have done is we have enacted bill after bill after bill in a systematic pattern that has raised health insurance premium costs for our constituents. Is this one going to be the straw that breaks the camel's back? I am not willing to find out. If you are not willing either, then please join me in opposing this motion. Thank you.

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

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. I will explain what we are doing with this bill. We were presented with an odd separation of health care and dental care and how hands, feet and toes get covered. Dental care tends to be the poor cousin. What we found with this bill is there are severe cases where somebody with mental difficulty or other very acute cases of oral or dental morbidity cannot be treated in the dental chair. In some cases with children or people with mental disorders who cannot be put into a chair to have all their top teeth removed, restraining techniques similar to those you might have found in Medieval times needed to be employed. That is just not good for the provider or for the patient. The dentist needs to take these people to the hospital where anesthesia and hospital charges occur. All this bill would do would be in cases where that happens and Medicaid covers it now, the health insurance would pay for that if health insurance is in place. It reduces the likelihood of improper nutrition because the child can't eat, aggravated infection, prosthetic implants, further claims for health services, so on and so forth. Yes, if indeed a mandate can be seen as an increase in the short term to premium, that is very strongly considered by the committee. The report came back at .5 of a percent if it does. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I was wondering if anyone could tell me, here in the House, how many people are going without this anesthesia at this moment that this will cover? Numbers, please.

The SPEAKER: The Representative from Newport, Representative Kasprzak has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. According to the mandate study on this particular mandate, the report estimates that fewer than 500 Maine residents would require this coverage that we are talking about annually.

While I am on my feet, if I may continue? I find myself in a little different posture this afternoon than I may normally be cast in. I think the good Representative from South Portland has made a couple of what I would consider excellent points. While one-half of one percent or maybe a little less may not seem like much, I do think that with this particular bill as opposed to some others that we have had before us this session, with this particular bill, we can send somewhat of a message that at least we are looking at things that are increasing the cost of health insurance.

This is a mandate. It will increase somewhat. I am frankly concerned that the anesthesia is only one-third of the cost and the large charge of \$1,800 plus is only for the facility or associated facility charges. I find that very interesting. The other thing that I would bring to your attention this afternoon is that it is estimated that less than 35 percent of the insured population in Maine will be affected by this particular mandated benefit given ARISA, Medicare, Medicaid and Champus coverage. Ladies and gentlemen, while many times I stand before you in support of a mandate, I think with this particular mandate, we can and we should say, no. We should vote against accepting the Majority Ought to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. Ever since I came up here in the 117th Legislature, mandated benefits have been a big issue. I hear constantly as the years pass that each mandate that we pass would only increase the costs of health care premium by a slight amount. My concern and a great deal many other people's concern is the cumulative effect of each one of those little pieces spinning together.

Mr. Speaker, could I pose a question through the chair? To anybody who could answer, does anybody know how many mandated benefits have been passed in this Legislature since the 117th, or at least in the last two or three terms?

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

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

The SPEAKER: The Representative may pose his question.

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. Since I didn't get a response on that question, I will ask a simpler one. Does anybody know how many mandated benefits we now have in the State of Maine?

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

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. In answer to the question, I am running out of fingers and toes. It took me a minute. The first question, since the

117th, it looks like seven or eight. All total, 20 to 22, somewhere in there. Again, yesterday's mandate is today's value. Maternity benefits provided to women, mammograms, prostate, drug dependency and so forth, they are all in there. I think it is seven or eight since we started.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. Adding to what the Representative from Saco said about mandates, the costs of all of the mandates that we have enacted since 1975, the total costs for groups larger than 20, the groups that these mandates have the largest impact on, is somewhere between 7.25 or 7 percent. That is the total cost of all mandates for the large groups. For the small groups, about 3 to 3.5 percent, that is the total cost for all mandates. For individual contracts, it is about 3 and a third percent. I suggest to the body that the problem of runaway costs when it comes to health care and health insurance aren't the responsibility of the mandates. Thank you very much.

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

Representative GLYNN: Mr. Speaker, Men and Women of the House. Also in answer to the good Representative's questions with how these mandates are applied and why the numbers seem confusing. It is because we do not have equity in health insurance rules here in Maine. The large group market, which covers employers with more than 50 employees, is divided between insured groups, self-insured groups or self-funded groups. Self-funded insurances are preempted from being regulated by Maine government by federal law known as ARISA while other health insurance falls under the expensive Maine state government mandates. Because self-funded plans where the employer bears the risk, the business can tailor their health insurance plans to the company and can afford and realize dramatic health cost savings. Really what these mandates all come down to is depending at which company a Maine resident is employed by, it will dictate whether or not they are subjected to these expensive Maine state health insurance benefits or mandates that we are imposing. That is one of the numbers.

Additionally, I would like to state to the body that while the number 7.75 percent is thrown around as the health insurance premium increase, that figure is false for several reasons. One of the reasons why you can't add it that way is it takes the total amount of increase when a mandate is proposed and after the mandate has been put into place, no further cost analyses have been done by the Banking and Insurance Committee or by the Bureau of Professional and Financial Regulation to find out the actual costs of these mandates. In fact, this body rejected a measure previously, a few months ago, that would have given us that accurate cost estimate, but special interest groups lobbied very hard this body and the Banking and Insurance Committee to not know what that total figure costs of these mandates are.

If you are with me and you believe that health insurance rates are too high and the most disturbing statistic of all, the 13 percent of Maine people or about 130,000 Mainers that right now go without health insurance because they can't afford it, this mandate will put it yet another step beyond them, as with the other mandates that we have considered. Already we have enacted a couple in this body this year. We really need to look at what we are doing. Vote against this measure and help curtail these dramatic increases in health care costs. Thank you.

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

ROLL CALL NO. 312

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

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

ABSENT - Bagley, Buck, Cummings, Goodwin, Labrecque, Lovett, Muse K, Sherman, Stanley, Tuttle.

Yes, 84; No, 57; Absent, 10; Excused, 0.

84 having voted in the affirmative and 57 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-300) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-300)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-291)** on Bill "An Act to Offer Greater Financial Incentives Promoting Quality Child Care"

(S.P. 48) (L.D. 216)

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook

Representatives:

FULLER of Manchester
BROOKS of Winterport
DUDLEY of Portland
LAVERRIERE-BOUCHER of Biddeford
KANE of Saco
O'BRIEN of Augusta
SHIELDS of Auburn

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

LOVETT of Scarborough
NUTTING of Oakland

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-291).

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-291)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-291)** in concurrence.

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

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-656)** on Bill "An Act to Increase Access to Higher Education"

(H.P. 799) (L.D. 1043)

Signed:

Senators:

- MITCHELL of Penobscot
- NUTTING of Androscoggin
- ROTUNDO of Androscoggin

Representatives:

- RICHARD of Madison
- DESMOND of Mapleton
- SKOGLUND of St. George
- WATSON of Farmingdale
- ESTES of Kittery
- CUMMINGS of Portland
- ANDREWS of York
- WESTON of Montville
- LEDWIN of Holden

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

Signed:

Representative:

- STEDMAN of Hartland

READ.

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

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

Representative **STEDMAN:** Mr. Speaker, Ladies and Gentlemen of the House. As you can see, I am the lonely soldier on the Ought Not to Pass. It is my opinion that there are ample numbers of programs already in play in the financial aid community today to accommodate what this bill is trying to do. Rather than set up another hierarchy of management and control of funds and all that, I feel that this bill as it is now drafted is not necessary. I urge you to vote against the pending motion. Thank you.

Representative BOWLES of Sanford **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:** 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. 313

YEA - Andrews, Annis, Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canaver, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, Mendros, Michaud, Mitchell, Murphy E, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tracy, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Baker, Belanger, Berry DP, Bowles, Bruno, Bumps, Chase, Clough, Crabtree, Cressey, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, MacDougall, McGowan, McKenney, McNeil, Michael, Morrison, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Shields, Snowe-Mello, Stedman, Tobin D, Trahan, Treadwell, Waterhouse, Winsor.

ABSENT - Bagley, Buck, Cummings, Davis, Goodwin, Labrecque, Lovett, Mailhot, Muse K, Sherman, Stanley, Tuttle.

Yes, 100; No, 39; Absent, 12; Excused, 0.

100 having voted in the affirmative and 39 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-656)** 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-656)** and sent for concurrence.

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

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-659)** on Resolve, to Increase Medicaid Reimbursement for Occupational and Physical Therapy and Speech and Language Pathologists and Audiologists

(H.P. 172) (L.D. 183)

Signed:

Representatives:

- FULLER of Manchester
- BROOKS of Winterport
- DUDLEY of Portland
- LAVERRIERE-BOUCHER of Biddeford
- DUGAY of Cherryfield
- KANE of Saco
- O'BRIEN of Augusta
- SHIELDS of Auburn

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

Signed:
Senator:
TURNER of Cumberland
Representatives:
LOVETT of Scarborough
NUTTING of Oakland

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-659)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-659)** and sent for concurrence.

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-664)** on Bill "An Act to Ensure Appropriate Audit Procedures"

(H.P. 211) (L.D. 246)

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
NUTTING of Oakland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-665)** on same Bill.

Signed:
Representative:
SHIELDS of Auburn

READ.

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

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I was in favor of the original version of the bill. The amended version that the Majority of the committee passed lightened it a little bit, but it was still acceptable. Somehow my vote got put down as with a large fiscal note on Amendment "A," which is not my nature. I just wanted the record to stand corrected.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-664)** 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-664)** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 956) (L.D. 1270) Bill "An Act to Address the Crisis in Personnel, Insurance and Heating Costs in the Provision of Community Mental Health Services" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-669)**

(H.P. 982) (L.D. 1306) Bill "An Act to Implement the Recommendations of the Task Force on Educational Programming at Juvenile Correctional Facilities" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-667)**

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**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Amend the School Funding Formula by Adding a Hold-harmless Provision"

(H.P. 1145) (L.D. 1548)

Signed:
Senators:
MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:
RICHARD of Madison
DESMOND of Mapleton
WESTON of Montville
LEDWIN of Holden

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-668)** on same Bill.

Signed:
Representatives:
ESTES of Kittery
CUMMINGS of Portland
ANDREWS of York
STEDMAN of Hartland
WATSON of Farmingdale
SKOGLUND of St. George

READ.

Representative RICHARD of Madison moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and ask the House to consider moving on to the Minority Ought to Pass as Amended Report. As you can see, the Committee on Education was quite split on this bill. This bill was put in at the request of my municipality regarding the problems with school funding. As always, you can't tell a lot by the bill. The devil is in the detail. Please look to the detail of the amendment of (H-668). The Minority Report if the Majority Report is defeated asks to put in a maximum loss provision of a municipality that a school district in one year will lose no more than 15 percent of its state school subsidy for funding education.

I can tell you that the problems in our school district in South Portland have just been absolutely chaotic as a result of the state's school funding as implemented. Whether you agree or you disagree that a school district should be receiving more or less dollars, I think we can all agree that none of our school districts should lose more than 15 percent of their school funding in one year. I can tell you that our school district was slated to lose one-third of its school funding in just one year.

Some of the things that without having this bill in place, if you vote for the Majority Report and we keep the conditions the same, all of our schools are subjected to tremendous amounts of losses. We only have to look as far as the biennial budget that we just enacted to look at school funding, GPA, was not as a high a priority in the budget as I certainly would have liked to see it. I am sure many of you would have liked to have seen it a lot stronger of a commitment. We may have increased general purpose aid to education 5 percent this year, but in the budget we proposed to increase it three quarters of 1 percent. We put in zero dollars for hold harmless provisions or zero dollars for a cushion for low receiving school districts. There were 88 school districts on the chopping block with a 5 percent increase. Can you imagine how many of our school districts, your school districts, not just mine, are going to be put on the hook to have to raise the money rather than through a steady stream of dependable income, level funding. Level funding of school subsidy that, in fact, they could be on the exposure for the 30 percent South Portland was under the exposure this time. What we are really looking for is a little bit of stability. If through the state's school funding formula, whatever might be adopted, if it is in the best interest of the state that districts like mine lose our funding, please don't take it away from us in one year. Please don't cause the layoffs that we have been considering this year. Please consider the impacts on children and remember that the children in our school district are just as important and just as precious as I know the children in your school districts are. Please vote to protect them and to protect the children in your districts and defeat the pending motion. Thank you.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. There are a lot of people who have a difficulty determining the difference between hold harmless and a cushion. If you talk about hold harmless, you are saying that you will give to a school district no less than what they received the previous year. If they lost a number of students, if their valuation has gone up, you still will give them at least as much as they had the previous year. The major problem with this particular bill is it would have added \$6,300,000 to our budget. We are having a hard time to get what we are getting, but to add \$6,300,000 to the budget would have been very difficult. I can't talk about the amendment, except to say that is another million.

Representative **BULL** of Freeport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I know that probably the vast majority of the members here are sick and tired of hearing about South Portland and the losses that we took and the sharp stick in the eye and everything else that was used to talk about South Portland's situation in Part I of the budget. I guess that is a good thing. Representatives Glynn, Bliss and myself screamed loud enough and obnoxiously enough for the people back home that sent us here. That is our job. This particular bill, I would have to disagree with the previous speaker, the main problem with this is it is the Minority Report, not the Majority Report. It is close. It is a very close report. I don't think that in all honesty there are more than a couple of dozen people in this room who could sit down and actually explain in detail the school funding formula to their constituents. It is complicated. It is complex. It is confusing. Sometimes it is very frustrating and seems to be absurd. It is what we have had to work with for many, many years now. Unfortunately, what it is it is sort of like a pendulum. We don't have to go back too, too many years when the entire northern half of the state complained that because of the school funding formula, they were taking the sharp stick in the eye. Now the pendulum has swung in the opposite direction and we take the sharp stick in the eye and it seems to bounce back and forth in any given year. This may not be the answer to every problem, but it certainly does answer the problem of a school district or a community losing such a dramatic amount of money as one particular town in Cumberland County connected to Portland by a bridge. I won't mention their name again, but as much as this particular year. It is us this year. I know that is going to be remedied in the Part II Budget. We heard promises from both corners and from very eloquent speakers who stood up and promised us that in Part II it would be cured. Next year it could be your community. All that this bill will do is prevent you from losing more than 15 percent. Fifteen percent can still be a sharp stick in the eye, but it certainly goes a long way to preventing the problems like we are seeing in certain communities this year. I hope that you would follow my light on this. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 314

YEA - Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Brooks, Bruno, Bryant, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Colwell, Cote, Cowger, Crabtree, Daigle, Desmond, Dugay, Duncan, Dunlap, Duprey, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Gooley, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Kane, Kasprzak, Landry, LaVerdiere, Ledwin, Lessard, Lundeen, Mailhot, Marrache, Matthews, Mayo, McGlocklin, McGowan, McKee, McNeil, Mendros, Michael, Michael, Nass, Norton, Nutting, O'Brien LL, Paradis, Peavey, Perkins, Perry, Pineau, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Simpson, Smith, Sullivan, Tarazewich, Thomas, Trahan, Treadwell, Twomey, Usher, Waterhouse, Weston, Winsor, Young.

NAY - Andrews, Annis, Bliss, Bowles, Brannigan, Bull, Clark, Clough, Collins, Cressey, Davis, Dorr, Dudley, Duplessie, Estes, Foster, Glynn, Green, Hutton, Jones, Koffman, Laverriere-Boucher, Lemoine, MacDougall, Madore, Marley, McDonough,

McKenney, McLaughlin, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Norbert, O'Brien JA, O'Neil, Patrick, Pinkham, Quint, Sherman, Shields, Skoglund, Snowe-Mello, Stedman, Tessier, Tobin D, Tobin J, Tracy, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

ABSENT - Bagley, Buck, Cummings, Goodwin, Labrecque, Lovett, Muse K, Stanley, Tuttle.

Yes, 88; No, 54; Absent, 9; Excused, 0.

88 having voted in the affirmative and 54 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Divided Report

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-670)** on Bill "An Act to Implement the Recommendations of the Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for All Maine Citizens"

(H.P. 315) (L.D. 392)

Signed:

Senators:

LaFOUNTAIN of York

DOUGLASS of Androscoggin

Representatives:

DUDLEY of Portland

MICHAEL of Auburn

SMITH of Van Buren

YOUNG of Limestone

MAYO of Bath

O'NEIL of Saco

SULLIVAN of Biddeford

CANAVAN of Waterville

MARRACHÉ of Waterville

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

Signed:

Senator:

ABROMSON of Cumberland

Representative:

GLYNN of South Portland

READ.

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

Representative GLYNN of South Portland **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 South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. The purpose of this bill is to study single-payor system or universal health care. It would create a committee to look into the issue. I rise questioning why we need such a study when this body has already passed LD 1277? Why do we need to look into the implications and costs when we already have a fiscal note of \$6.8 billion? Why, when this has been the subject of already several studies, not just in the State of Maine, but in the nation, about the feasibility or the lack of feasibility of such a program? I see no reason to go forward with spending good hard earned taxpayer money for such a venture. I urge my colleagues to vote no.

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

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. The Representative from South Portland makes a good argument, but that is the title of a bill that is similar to that this one. This is the public/private purchasing alliance. This is one of the little things that we have been able to do this session. We have often heard that it was difficult for B & I to do anything. In fact, it has been. We had 103 bills submitted to our committee this year and 72 of them wanted to do something with health insurance. In one of them, I remember the Senator from South Portland came in and said seven times in the course of her testimony that we have do something. We heard that all year. The specifics are sometimes more difficult. This bill simply is the offshoot of the purchasing alliance study commission that we had last year that enables us to help out micro-employers with four employees or less in underserved areas that just need community help and community access to health insurance. This is a pilot project, if you will. Again, one of the few things that we can experiment with without taking huge risks and doing harm.

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

ROLL CALL NO. 315

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

NAY - Andrews, Annis, Berry DP, Bowles, Chase, Clough, Cressey, Davis, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, MacDougall, Mendros, Morrison, Murphy T, Nutting, Pinkham, Schneider, Shields, Stedman, Tobin D, Tobin J, Treadwell, Waterhouse, Winsor.

ABSENT - Bagley, Buck, Cummings, Goodwin, Labrecque, Lovett, Muse K, Stanley, Tuttle.

Yes, 112; No, 30; Absent, 9; Excused, 0.

112 having voted in the affirmative and 30 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-670)** 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-670)** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 433) (L.D. 1413) Bill "An Act to Transfer Administration of the Workers' Compensation Employment Rehabilitation Fund to a Voluntary Coalition of Parties in Interest" Committee on LABOR reporting **Ought to Pass as Amended by Committee Amendment "A" (S-309)**

(S.P. 628) (L.D. 1811) Bill "An Act to Permit the Salvage of Pulpwood" (EMERGENCY) Committee on AGRICULTURE, CONSERVATION AND FORESTRY reporting **Ought to Pass as Amended by Committee Amendment "A" (S-307)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-312)** on Bill "An Act to Offer Businesses and the Technical Colleges Incentives for Providing Workforce Health Care Training"

(S.P. 505) (L.D. 1592)

Signed:

Senators:

- MITCHELL of Penobscot
- NUTTING of Androscoggin
- ROTUNDO of Androscoggin

Representatives:

- RICHARD of Madison
- DESMOND of Mapleton
- SKOGLUND of St. George
- ESTES of Kittery
- CUMMINGS of Portland
- ANDREWS of York
- WESTON of Montville
- LEDWIN of Holden

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-313)** on same Bill.

Signed:

Representatives:

- WATSON of Farmingdale
- STEDMAN of Hartland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-312)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-312)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-312)** in concurrence.

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-308)** on Bill "An Act to Amend Maine's Campaign Finance Laws"

(S.P. 553) (L.D. 1711)

Signed:

Senators:

- WOODCOCK of Franklin
- BROMLEY of Cumberland
- DOUGLASS of Androscoggin

Representatives:

- LABRECQUE of Gorham
- CHIZMAR of Lisbon
- ESTES of Kittery
- TUTTLE of Sanford
- O'BRIEN of Lewiston
- HEIDRICH of Oxford
- PATRICK of Rumford
- DUNCAN of Presque Isle
- MAYO of Bath

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

Signed:

Representative:

- COTE of Lewiston

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-308)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-308)** in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bill was received, and upon the recommendation of the Committee on Reference of Bills was **REFERRED** to the following Committee, ordered printed and sent for concurrence:

UTILITIES AND ENERGY

Bill "An Act to Amend the Charter of the Limestone Water and Sewer District"

(H.P. 1363) (L.D. 1820)

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative O'NEIL from the Committee on **BANKING AND INSURANCE** on Resolve, to Require Further Study of the Effect and Cost Impact of Mental Illness on the State and Private Health Insurance (EMERGENCY)

(H.P. 1364) (L.D. 1821)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1358).

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

The Resolve was **READ ONCE**.

On motion of Representative O'NEIL of Saco, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

ENACTORS

Emergency Measure

An Act to Amend the Maine Health Data Organization Laws

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

(H. "A" H-643 to C. "A" S-290)

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

On motion of Representative COLWELL of Gardiner, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Emergency Measure

An Act Regarding the Use of Tokens or Tickets for Games of Chance at Agricultural Fairs

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

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

On motion of Representative COLWELL of Gardiner, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Acts

An Act to Make Active Public Health Investigation Records Confidential

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

(C. "A" H-591)

An Act Adopting and Implementing the National Crime Prevention and Privacy Compact

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

(H. "A" H-649)

An Act to Amend the Laws Governing DNA Testing

(H.P. 1250) (L.D. 1698)

(C. "A" H-647)

An Act to Address Maine's School Facilities Needs

(H.P. 1294) (L.D. 1762)

(C. "A" H-645)

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.

An Act to Require Reporting on Children's Crisis Services

(H.P. 493) (L.D. 633)

(C. "A" H-646)

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-646)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-655)** to **Committee Amendment "A" (H-646)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. This amendment adds an emergency preamble to the bill to provide for an immediate effective date. In a nutshell, what this bill is, we have requested from the Department of Mental Health information on a monthly basis of how many psychiatric beds are available and how many are being used at the time and if there are any, what is the status of the waiting list and the resolution of cases that don't receive hospital admissions? We feel it is very, very important information as we are deliberating several other mental health issues, we feel we really need to know this. Rather than wait another three months, we felt that this is an emergency situation. There is a crisis in the mental health system and we feel as soon as we can get on it the better.

House Amendment "A" (H-655) to **Committee Amendment "A" (H-646)** was **ADOPTED**.

Committee Amendment "A" (H-646) as Amended by **House Amendment "A" (H-655)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-646)** as Amended by **House Amendment "A" (H-655)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

An Act to Increase Access to Health Care

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

(C. "A" H-639)

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

On motion of Representative COLWELL of Gardiner, was **SET ASIDE**.

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

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

Bill "An Act to Establish a Single-payor Health Care System"

(H.P. 964) (L.D. 1277)

Which was **TABLED** by Representative O'NEIL of Saco pending **FURTHER CONSIDERATION**.

Representative **VOLENIK** of Brooklin moved that the House **RECEDE**.

Representative **WATERHOUSE** of Bridgton **REQUESTED** a roll call on the motion to **RECEDE**.

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 to Recede. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 316

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

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

ABSENT - Bagley, Buck, Goodwin, Jacobs, Labrecque, Lovett, Matthews, Muse K, Stanley, Tuttle.

Yes, 85; No, 56; Absent, 10; Excused, 0.

85 having voted in the affirmative and 56 voted in the negative, with 10 being absent, and accordingly the House voted to **RECEDE**.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, point of order. Would a motion to Recede and Concur be in order at this time?

The SPEAKER: The chair would answer that the motion to Recede takes precedence over the motion to Recede and Concur.

Representative **VOLENIK** of Brooklin **PRESENTED House Amendment "C" (H-680) to Committee Amendment "A" (H-514)**, which was **READ** by the Clerk.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Let me just briefly describe what this amendment does. It establishes an interim health security board to do the following. It will look at additional savings of switching to a single-payor plan from auto insurance, general liability insurance, workers' comp insurance, simplified billing, schools and correctional facilities based on their current costs or physical therapy, occupational therapy and speech therapy and will compare hospitals of similar size in Maine and other states. Second, it will require that the health security board will come back to the Legislature by March 1, 2002, with full implementation plans, including proposed costs and proposed payment systems. The plan proposed must guarantee a 5 percent savings over existing health care costs and must show the impact on individuals and businesses. The Legislature will then have the opportunity to accept, amend or reject the proposal. The fiscal note also is slightly more in the first year. It is up to \$10,660 for fiscal year 2001-2002, although it is reduced to \$400 in fiscal year 2002-2003. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. With all due respect to the good Representative who I greatly admire for his perseverance and his convictions for what he stands for, having been here in previous sessions and we had a blue ribbon commission, the Maine Health Care Commission, did an exhaustive study on the single-payor system. I think the report came out in 1996. I did read that report and they came to the conclusion, rightly so, that Maine could not go it alone on a single-payor universal health care system. This amendment spends \$10,660 and then some for a feasibility study that is going to come to the same conclusion that the Maine Health Care Commission came to several years ago. We had the amendment on the floor last week that dealt with paying for LD 1277. We turned that down at that time. I hope that you will turn down this amendment and not waste another \$10,660 of the taxpayer's money. Mr. Speaker, I move Indefinite Postponement of this amendment and ask for a roll call.

Representative **WATERHOUSE** of Bridgton moved that **House Amendment "C" (H-680) to Committee Amendment "A" (H-514) be INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "C" (H-680) to Committee Amendment "A" (H-514)**.

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 Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I would like to clarify some of the previous speaker's testimony. The blue ribbon commission, the report that I have is November of 2000 where it reported to the Legislature. I would just like to read from that report real quickly. "For example, many testified that a universal health care program represented the ultimate solution to providing cost effective quality health care. Suggestions ranged from a nationalized single-payor provided system to a single payment program except for a modest adaptation of this concept, see approach 10C. The commission concluded that a universal health care program was beyond the capacity of an individual state, requiring federal action."

Ladies and gentlemen of the House, this single-payor bill reminds me a lot of the Japanese during World War II. When at the end of the war they found that they couldn't defeat their enemy, they found kamikaze pilots who would fly directly into an oncoming enemy ship trying to sink them. The end result was always death. Ladies and gentlemen, we are playing kamikaze war practices with the Maine economy. When this is all over with, if the result is the same, it will be the Maine economy. Thank you.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. I just wanted to respond to a statement that was made by the good Representative from Bridgton, Representative Waterhouse. He mentioned the Health Care Reform Commission back in 1994. The commission came up with three plans for the Legislature to consider. It did not develop an implementation plan for the single-payor system. It simply came up with a very primitive plan that did not describe how to actually enact it, how to set it up or how to pay for it. What this amended bill does is it actually sets up that implementation plan, which,

again, all of you and members of the other body will have a chance to either accept, amend or reject. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. We are currently in non-concurrence with the other body. It is of no surprise. We got a chance to take a look as a state at what this universal health care, this single-payor system, is going to be. At a \$6.8 billion fiscal note, it is clear that the residents of Maine can't afford it and that the tax structure that would be necessary to come about and to put it into place would break that bank.

Under the bill which we have been considering, it was a call to the sick of other states to relocate to Maine for free health care on the backs of Maine residents. There was an article, which I have distributed to members of the House, a piece done by George Smith, which I believe is key and right on point with the issue. Under the fiscal note of the bill, not only were we looking at an outrageous price tag, we were looking at an estimated 10,000 new citizens migrating to Maine to collect free health care. That is in the estimates of the bill. Personally, I think that is more than a conservative estimate about what would happen if we unleashed this approach in a go-it-alone phase.

The current posture of the House in considering this amendment only one thing is clear. It removes the fiscal note from the bill. If our goal is simply to pass a bill with probably the greatest structural gap ever considered by a state, this would be one way to do it. I think that the more responsible approach would be to look this socialism right in the eye, stare it down and say, no, we don't want it for Maine. That will be my vote. Thank you.

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

Representative **O'NEIL**: Mr. Speaker, Ladies and Gentlemen of the House. I thank the Representative from Brooklin for sensibly amending his bill. I want us to remember that we have to cut through what generally engenders a lot of emotion, hyperbole and histrionics whenever we talk about this subject. For those folks who want to consider whether Maine should continue with a single-payor plan, it behooves us to have good information. 1995 was an awful long time ago in health care time and terms.

What this amendment and bill would do is bring back a model or a plan. It is not a bogey man. It is not something imaginary. It is something that we can actually look at, something tangible, and then decide whether it is okay for us. I don't see any harm in that.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. Just a brief response to my good friend from Brooklin commenting on the Maine Health Care Commission of 1994. I thank him for reminding me of that. In that report I do remember reading that although they did not set up any implementation plan, they did that for good reason because they came to the conclusion that it was beyond our capacity as a state to go it alone. That was in the final report. That is why when you see that something is too expensive, you don't bother coming up with a plan to implement it. As far as the previous speaker who just sat down saying things have changed since that time that the report came out. Yes, they have changed and I might remind him that the state went from being fourth in the nation for tax burden and now we are number one.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. It is about a war. It is about those who have and those who have not. It is about those who can't afford it and it is that \$6.8, with a big bill, billion that we are already paying for it in higher insurance fees. Talk to your small businesses. Get a lowdown on what they are going through. They can't even afford to pay insurance for their workers. They are even starting to see the light on this. We can afford it because we are doing it already. Like George Smith who sticks to his guns, I am sticking to mine. People need this and this is the way to go. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-680) to Committee Amendment "A" (H-514). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 317

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

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

ABSENT - Bagley, Buck, Jacobs, Labrecque, Lovett, Madore, Matthews, Muse K, Tuttle.

Yes, 55; No, 87; Absent, 9; Excused, 0.

55 having voted in the affirmative and 87 voted in the negative, with 9 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-680) to Committee Amendment "A" (H-514) FAILED.**

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-680) to Committee Amendment "A" (H-514).**

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 Adoption of House Amendment "C" (H-680) to Committee Amendment "A" (H-514). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 318

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson,

Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

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

ABSENT - Bagley, Buck, Jacobs, Labrecque, Lovett, Madore, Matthews, Muse K, Tuttle.

Yes, 88; No, 54; Absent, 9; Excused, 0.

88 having voted in the affirmative and 54 voted in the negative, with 9 being absent, and accordingly **House Amendment "C" (H-680) to Committee Amendment "A" (H-514) was ADOPTED.**

Committee Amendment "A" (H-514) as Amended by House Amendment "C" (H-680) thereto was ADOPTED.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I didn't speak earlier against the amendment and I didn't vote for the amendment, I thought it was so much better than the original bill, I couldn't bring myself to oppose it. However, let's look at the reality of what we are looking at doing to the people of Maine. We heard earlier that the speaker said Maine businesses are starting to see the light. The light they see is the light that people that have near death experiences are brought back see. That bright light, they move towards it. That is what they see because Maine businesses are about to die as is the Maine economy if we pass this legislation. I think that the people of Maine deserve access to health care. This will not give access to health care. This will give us rationed health care that doesn't cost anything when you can get it. I would rather the people of Maine have access to health care.

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

Representative **COTE**: Mr. Speaker, Ladies and Gentlemen of the House. I am sorry, but I have to disagree with my fellow colleague from Lewiston. Everybody has access to health care in the State of Maine. This will also give them the extra ticket that they need to get access. I urge you to vote for this and pass this. Thank you.

Representative **MENDROS** of Lewiston **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-514) as Amended by House Amendment "C" (H-680) thereto.**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-514) as Amended by House Amendment "C" (H-680). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 319

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache,

McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

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

ABSENT - Bagley, Buck, Jacobs, Labrecque, Lovett, Madore, Matthews, Muse K, Tuttle.

Yes, 87; No, 55; Absent, 9; Excused, 0.

87 having voted in the affirmative and 55 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-514) as Amended by House Amendment "C" (H-680) thereto in NON-CONCURRENCE** and sent for concurrence.

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

Resolve, Directing the State Auditor to Amend the Campaign Finance Reporting Form for Candidates to a Form Similar to the Form Used in 1994

(H.P. 1350) (L.D. 1807)

Which was **TABLED** by Representative COLWELL of Gardiner pending **FURTHER CONSIDERATION.**

On motion of Representative CHIZMAR of Lisbon, the House voted to **ADHERE.**

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

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Classify Employer-provided Medical Treatment as a Payment under the Maine Workers' Compensation Act of 1992

(H.P. 644) (L.D. 844)

(C. "A" H-244)

PASSED TO BE ENACTED in the House on May 29, 2001.

Came from the Senate **FAILING** of **PASSAGE TO BE ENACTED in NON-CONCURRENCE.**

Representative **BUNKER** of Kossuth Township moved that the House **INSIST.**

Representative **TREADWELL** of Carmel moved that the House **RECEDE AND CONCUR.**

Representative **CLARK** of Millinocket **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 to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 320

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

NAY - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Jones, 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, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

ABSENT - Bagley, Buck, Hutton, Jacobs, Labrecque, Lovett, Madore, Muse K, Tuttle.

Yes, 56; No, 86; Absent, 9; Excused, 0.

56 having voted in the affirmative and 86 voted in the negative, with 9 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

Non-Concurrent Matter

An Act to Establish the Maine Research and Development Evaluation Fund

(H.P. 988) (L.D. 1325)

(C. "A" H-372)

PASSED TO BE ENACTED in the House on May 14, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372) AND SENATE AMENDMENT "A" (S-316) in NON-CONCURRENCE**.

On motion of Representative BERRY of Livermore, the House voted to **RECEDE AND CONCUR**.

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

CONSENT CALENDAR

First Day

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

(S.P. 616) (L.D. 1797) Resolve, to Establish the Blue Ribbon Commission on Postsecondary Educational Achievement (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-314)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence and ordered sent **FORTHWITH**.

Reference is made to Bill "An Act to Require the State to Pay for Veterans' Obituaries and State Flags"

(H.P. 416) (L.D. 537)

In reference to the action of the House on May 17, 2001, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative BOUFFARD of Lewiston

Representative DUNLAP of Old Town

Representative MENDROS of Lewiston

Reference is made to Bill "An Act to Make Refusing a Blood-alcohol Test a Crime"

(S.P. 392) (L.D. 1288)

In reference to the action of the House on May 21, 2001, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative MITCHELL of Vassalboro

Representative POVICH of Ellsworth

Representative PEAVEY of Woolwich

Reference is made to Bill "An Act to Require Certain Employers to Provide Certification for Employees Who Dispense Medications"

(H.P. 603) (L.D. 758)

In reference to the action of the House on May 30, 2001, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative HUTTON of Bowdoinham

Representative RICHARDSON of Brunswick

Representative CLOUGH of Scarborough

Reference is made to Bill "An Act Creating a Pilot Project to Provide Video Camera Surveillance at Intersections in Ellsworth"

(H.P. 728) (L.D. 948)

In reference to the action of the House on May 24, 2001, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative FISHER of Brewer

Representative BUNKER of Kossuth Township

Representative COLLINS of Wells

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

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

In reference to the action of the House on May 31, 2001, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative SKOGLUND of St. George

Representative BAKER of Bangor

Representative WESTON of Montville

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.

An Act to Increase the Amount Transferred through State-municipal Revenue Sharing

(S.P. 41) (L.D. 209)
(C. "A" S-13)

TABLED – March 30, 2001 (Till Later Today) by Representative BERRY of Livermore.

PENDING – **PASSAGE TO BE ENACTED.**

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act Regarding School Funding Based on Essential Programs and Services

(H.P. 1284) (L.D. 1747)
(C. "A" H-457)

TABLED – May 21, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **PASSAGE TO BE ENACTED.**

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Bill "An Act to Amend the Laws Pertaining to the Department of Corrections"

(S.P. 580) (L.D. 1758)

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

PENDING – **ADOPTION OF COMMITTEE AMENDMENT "A" (S-280).**

Subsequently, **Committee Amendment "A" (S-280)** 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-280)** in concurrence.

Bill "An Act to Exclude Credit Balances Between Business Associations from Unclaimed Property"

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

- In House, Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605)** on May 29, 2001.

- In Senate, Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in **NON-CONCURRENCE.**

TABLED – May 30, 2001 (Till Later Today) by Representative LaVERDIERE of Wilton.

PENDING – Motion of same Representative to **ADHERE.**

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

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

The following item was 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 Amend the Business Equipment Tax Reimbursement Program"

(H.P. 1365) (L.D. 1822)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1354).

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.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-303)** on Bill "An Act to Implement Maine's System of Learning Results"

(S.P. 582) (L.D. 1760)

Signed:

Senators:

MITCHELL of Penobscot
ROTUNDO of Androscoggin
NUTTING of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
WATSON of Farmingdale
ESTES of Kittery
CUMMINGS of Portland
ANDREWS of York
WESTON of Montville
LEDWIN of Holden

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

Signed:

Representatives:

SKOGLUND of St. George
STEDMAN of Hartland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303).**

READ.

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

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

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you not to accept the Majority Report. I know at this time of year and at this time of day you look at a 11 to 2 report and it looks like those advertisements they used to have on television, 9 out of 10 doctors recommend a certain product. My father used to wonder why they didn't catch up with that doctor and take his license away from him, being so far out of contact with the most progressive practices. I am sure you think the same way about discussing a committee report that is so overwhelmingly lopsided as this one.

We don't enjoy, too much, spending time on listening to minority opinion in the present, but retroactively the minority opinion is the one that counts. You think back. If you read things back in the last century or the century before, you read Emerson, Thoreau, Thomas Paine, Jefferson, those were the people that presented the minority opinions at that time. This is a generalization about minorities in case we should ever be tempted to change our House Rules about the number of people that have to bring a bill before the House. It is important to hear the minority opinion.

On learning results, unless you are in education, all you know is what you are told. Learning results is a plan, a rather detailed plan, a system and goals for what all children should learn in the Maine schools. It is good to have a plan. It is good to have goals. It is good to have a system, but there are some fallacies here in the learning results that I think you should be aware of. One of the basic precepts underlying the learning results is that all children can do better. It doesn't say better than what or when they can do better, but the assumption is made that all children can do better. That is an incomplete comparison that is one of the underlying foundation blocks of the learning results. I think it is a bad, bad mistake to put into state law a philosophy of education and that is exactly what the learning results is. It is a philosophy. Just as it would be unwise to establish one religion as the religion of the state, it is unwise to establish one educational philosophy as the only way of educating our children. There are great differences in education philosophy as there are in religious beliefs. We have all types of people. We need different systems of belief. Because we have different learning styles, we have different rates of maturation, we have different teaching techniques and preferences, we need a great variety of approaches and a great variety of goals in our educational system.

I would submit that Maine has had such an outstanding record of producing, particularly great literary figures and social reformers, because we have had and have encouraged diversity in our educational system and had not had, up until this time, one state system of education.

I would urge you not to accept the Majority Report, but to reject learning results. I am sure there are a great many teachers who would say that learning results are excellent. We use them with wonderful results. I am sure they do. There are a great many teachers also who feel very constrained and they feel they have to waste a great deal of time doing what they call alignment of curriculum with learning results. Everything that a teacher teaches now has to be aligned with learning results. A nervous principal could come into the classroom and ask a teacher, how is this lesson related to learning results? The teacher has to explain how that particular lesson helps achieve the goals of learning results.

I think what is happening is creative, self-motivated teachers are not being attracted into teaching. Why should they be if they have to follow a formula or a system? I know that the

proponents of learning results will tell us that learning results simply sets the goal, it doesn't tell us how to achieve it. I don't think that is the result. If I can misinterpret the intent of learning results, then so can principals and superintendents and demand conformity. If we are going for a state curriculum, I say let's go all the way and do it. Let's make perfect infallible lesson plans so that any old person off the street can conduct the class and do it about the same as anyone else. Our children will come out as interchangeable children in the industrial corporate world, just as we strove to get completely interchangeable parts, now we can have interchangeable children.

These are my feelings about learning results. I hope you will give them some consideration. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I can only second the comments that have been made by the good Representative Skoglund. The learning results philosophy has become very pervasive in our educational system today. It is requiring things that we were told would not be required when the system was put in place. The whole idea of having in law guiding principles to me is an abomination because it is saying that if everything doesn't go according to plan, you are violating the law. The law is only guiding principles. This was my objection when this bill was passed way back a few years ago. It is still my objection. Anything dealing with learning results, I object to and that is why I am on the Minority Report here and I would urge your support on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. When I first came to the Legislature in 1996 and we had begun to speak of learning results, I was a skeptic. I voted for learning results, but I must tell you that if I were speaking in the hearing today, I would be speaking neither for nor against. I remain a skeptic. I believe just as Thomas Jefferson did and it is inscribed on the cover of the learning results, I believe as he did that the aims of education are to provide an education adaptive to the years, to the capacity, and to the condition of everyone and directed to their freedom and happiness.

For almost 10 years now I have participated in educational reform and have been supportive. I think that we have made great advances through our discussions, our dialog and our consideration of this curriculum called learning results. I think it is and has contributed productively to achievement. However, I must say that it rings hollow for me today. It rings hollow because at the outset I remember standing in the row just in front of me and imploring the House to fund just K-3 as a start. Take the money that we were meagerly offering and put it into K-3. My opinion did not prevail and the money was spent on K-12 sifting down into our schools in a most diluted way so that it was hardly noticed that any funding had occurred. Learning results today remain unfunded. Just as Jefferson encouraged education to evolve, to change, I would suggest that learning results also must change with the times as well. It should be a dynamic document. The river is constantly changing in front of you as it passes you in the classroom. The students that you saw last year are not the students that you see this year.

What I see in the learning results is something that I personally cannot possibly reach. I can be helped to be a better teacher through money that is put in for professional development. We have seen that happen with the money that was put into, infused into, education in Maine for science and math teachers. We are doing a great job in education in Maine today. We are far exceeding other states. We are doing things

right. We have boosted our math and science scores. I say do the same thing for other teachers, but put some money into it. We can't fund learning results, we can't help out learning results, if our attention is constantly being diverted with other things.

We made a commitment to learning results to try to raise achievement in education in the State of Maine. We have not kept our commitment. We have been diverted by other things that now are being said to us will somehow mesh with learning results. I do not understand that. I am speaking neither for nor against learning results. I am speaking in a discouraged way. Until we try through professional development to fund parts of it, I would suggest K-3, this document rings hollow. It does not measure up to the words of Thomas Jefferson which grace the cover.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. As I understand it, LD 1760 would further embed in law the Maine learning results. There is much room for a different philosophy as to learning results within the classroom. I also want to talk about funding and I want to talk about your local school districts right now. First of all, there was supposed to be a lot of money in this for professional growth. We were going to take the teachers that had been in the classroom and we were going to put in millions of dollars. It didn't happen. Your local districts are trying to bring your teachers, many of them 20, 25, 30 years of experience up to snuff to meet the learning results. We are also in the middle of assessment because the Maine learning results talks about 90 percent of the assessment will be from the local levels. There is no money from the state.

The original learning results had eight areas; because of lack of money, there is now only five areas. We took three out and sort of said that visual and performance art, that is not important. It is to the colleges. We said foreign languages, that is not important. It is to the colleges. We said a career in technology isn't important. Ask your technical schools about that. I maintain, are we going to in 1760, are we embedding eight areas of instruction or are we embedding five? I don't know. More importantly, are we passing on an unfunded mandate to each and every local community? I believe you are.

As a teacher in a community, I know what we are doing and I know what my school system is paying to bring in speakers, to continue with after school curriculum, to pay teachers to serve on curriculum as we try to gather. By embedding it in further places in law, you make it more difficult for your local communities to ever meet the learning results of which we aren't sure if it is five or eight. We are not sure how we are going to assess it. That is still in the mold, but we want to keep embedding it and embedding it and embedding it. It is an unfunded mandate, my friends, to each and every one of your local communities. I would ask you to think very carefully before you cast this vote. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the good Representative from St. George and Representative McKee, I also share some concerns. I originally read a book by Anna Freud, the daughter of Sigmund Freud. She is a schoolteacher or was while she was living. She was worried that American colleges were selecting teachers. They no longer were self-selecting teachers. That would stymie their creativity. I fear that learning results will take the individual creativity of the teacher away. I also am here to say that I am neither for nor against. I think learning results is going to happen. I have a deep worry about them. Thank you.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. Just to refer to a few of the things that have been said, but one thing that has not been said is that we know that the President of the United States is currently proposing a federal law that will require all schools in the country to give annual tests. If students do not pass these annual tests, they do not pass from grade to grade. The Secretary of Education has been in Maine. He has observed our learning results and it appears from what he has said that we would have something in place that would not require us to do annual testing. We would do the testing as we do it today three times.

As far as the funding of this is concerned, if you will look at your fiscal note, it does say that unless general fund appropriations are provided to fund at least 90 percent of the additional costs, then a mandate preamble is appended to the bill and unless two-thirds of the members of each house vote to exempt this mandate from the funding requirement, the local school administrative units may not be required to implement these changes. It is hoped that they will be implemented, but if it is a hardship in a community, then that particular statement covers it.

Another thing that is in this particular revision, is that commercially produced assessment tools may not carry a majority of the weight of determining student performance. For those of you who are not familiar with learning results, learning results do not tell any teacher how to teach. They merely say that when a student reaches a certain point, this is what the student ought to know and ought to be able to do. The method of teaching is wholly up to the teacher himself or herself.

Something has been started here. The gentleman from St. George and I had the same debate about four years ago that we are having now. I would hope that you would see that what has been done is good and can be better and that you would vote to go along with the majority of the committee. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. I do have to speak on this because I feel that even as a teacher a long time ago, after 44 years as a teacher, that I probably used a lot of learning results. Learning results does not stymie a teacher. Learning results does offer a variety of methods to reach goals and allows a variety of teaching styles. The teacher makes his or her own plans. This guide beats the old teacher's manual that did actually tell the teacher how to teach and how to say it. It was all written up. The questions were all there. The teacher just looked at the manual and could use those questions. This doesn't do that at all. With learning results, teachers are allowed to be creative.

A new teacher will find these guidelines invaluable to reach the goals that are already in Maine law. Each grade level has always had to attain certain goals to adhere to that law. The learning results will help students and teachers to rise to that level. We have a mobile society. Families that move to new community will not have to be told your child is behind in certain subjects. Parents will know what is expected. Parents and teachers are involved. Thank you.

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

Representative **CUMMINGS**: Mr. Speaker, Ladies and Gentlemen of the House. I want to talk about first of all some assurances. Every time that Representative Skoglund speaks, you can be assured that there will be humor and some good insights. Before you embrace the potential ignorance of the majority too quickly, let me say a few words about what this

legislation could mean to the students of Maine and to the people who must be assured that skilled labor and smart citizens exist.

As a seventh generation Mainer, myself, there is one thing that I am not comfortable with. That is spending a billion dollars without knowing what I get in return. The people of the State of Maine have said that learning results make sense because we want to know what the students of Maine do, can do and know when they leave high school. When they know what they can do, they feel better about spending a billion dollars. If the true Yankee has influenced you, think of another aspect of being a true Yankee. What do we get for what we spend?

Secondly, this legislation comes with several assurances of increased funding, but it also comes with money. The claim that there is no money attached to this happens to be inaccurate. There are \$2 million this first biennium to help us with basic staff development. There is additional money of \$1.3 million to help us with the comprehensive assessment system to help us intelligently test our students. For me, \$3.5 million is not the absence of funding. It makes sense for us to move forward with more money and to try to expand the support that we give Maine teachers.

The purpose behind the learning results is to set a basic set of guidelines about what students will do and know. It does not in any way, in fact this is frustrating for some teachers, prescribe a method of teaching. It is not a philosophical statement in terms of practice or pedagogy. There is one philosophical assumption that I think we ought to listen to, however. That one philosophical assumption is all students can learn and can get better. We can get smarter. That assumption is fundamental to the success of all of us. When Representative Skoglund asked the question, to what are we comparing performance, it's quite simple. What was your last try? How did you do last time and how can we move you in a better way towards the standards that we all want to uphold? This is a smart piece of legislation for the people of Maine. It ensures a proper future. It also ensures that we spend our money well. It is reasonable. It is supported by a majority that I do not think, in this case, is wrong. Not to say that the majority always has a strong hold on that, it does not, but I think in this case there is wisdom in the majority. There is more than wisdom. There is an appropriate future for Maine in the majority vote.

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

Representative WESTON: Mr. Speaker, Ladies and Gentlemen of the House. It has been many years now that I first was in a classroom, a kindergarten and first grade combination. The teacher was an elderly woman and she said to me, "You take these six young ones," she actually turned her back to them and taught the rest of the class. "You take the dumb ones and you sit with them while I teach." I was horrified, to say the least. I ended up taking those children and actually teaching them bit by bit myself while she addressed the rest of the class.

What learning results is really saying is that all kids have potential. I stop short of saying that all kids will attain the highest level of learning, but I certainly agree that many our kids can attain a higher level of learning than perhaps certain teachers expect of them, perhaps sometimes because of the family they are from or how fast they learn to read. What learning results says to every teacher is we should have expectations from our kids and we should find ways to help them when they are not attaining those standards.

If you happened to read in this weekend's *Bangor Daily News*, there was an article about Foxcroft Academy. They are way ahead of the game and are actually at the place where we want to be in a few years with learning results. They talked

about the hard work, but the difference that they have seen in their school. All students should have the right and the privilege to make great gains in this state and in our schools. Learning results say that we believe that and we are ready to take you there.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Mr. Speaker, Ladies and Gentlemen of the House. I stand here today and am very perplexed on what I need to do. I was a member of this body when we first started on learning results. At that time I did not at all support learning results. I put a lot of study into the matter five years before I was elected. I was not, I am still not, convinced that this is the way for our state to go and to continue. I was afraid that this would not produce smart kids. I was afraid it was going to do just the opposite. As you may know, I have a wonderful new school, the Poland Regional High School. They have adopted full-blown learning results. The good Representative before me said that it is trying to reach every child. In my town it didn't reach every child. As a matter a fact, we have to create a whole new other school to teach those kids that could not learn with learning results that were flunking out left and right. I am saying to you that I really question how well this is really working.

I do believe in our town that when decided to look for curriculum, I was on the curriculum committee, what type of curriculum that our school wanted to adopt. I went with a few of the people on this committee and we traveled all over Maine. We went to different schools to see what kind of curriculums they had. One high school was just terrific. It had a combination of the old and a combination of the new, which was part of the learning results. It was highly successful. Believe me, I would have much rather preferred our school went that way.

The other reason I didn't vote for learning results was because I knew so well that this was a mandate. We are mandating our high schools and our schools to have this program. We didn't give them a choice. We mandated it, whether they wanted it or didn't want it. Of course, they could go into it slowly. They didn't have to adopt it right away. I knew that each year they would have to come back to us to ask us for help and for funding because it was very difficult and a very expensive thing for our towns to fund on their own.

I stand here in a real quandary. Do I vote for this and vote to allow them to continue and to get the funding that they need, even though I am strongly opposed to learning results? A little bit I am fine with, but the whole program, I believe that children that are special, it works with. The people that don't grasp things quickly, it doesn't do well at all. They don't do well at all.

We need to vote our conscience and I know for me, I am not sure how I am going to go. I think you needed to hear the other side of the story. This does not reach all children. I can say that first hand. Thank you.

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

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House. If we don't fund this, learning results will still exist. The same documents will be available to all teachers in the state who want to use them. If they are good, I am sure they are, teachers will use them voluntarily. They will rush to get to the learning results. Learning results doesn't work because it is a law. It works because it is a good idea. It won't fail if we fail it as a law, it will fail if it doesn't work. It is as simple as that. We don't need a law to establish a philosophy, an educational practice.

I did want to make a point when I spoke last time, but I got carried away and forgot. I saw in the paper within the past

couple of weeks. One of the larger better high schools in Cumberland County, I am sorry, but I don't remember just which one, has abandoned teaching home economics. The reason given was that home economics is not stressed in the learning results. The learning results puts greater emphasis on training young women for the work force rather than to be homemakers. I don't think it is an either/or situation. I think we need young women who can do both. There you see the bad effects of learning results, emphasizing one aspect of education so that the other goes by the board completely. I think a woman who can make a rhubarb pie is a blessing to mankind. If they don't learn it in the home, they have to learn it in the school. When I went to school, the boys started taking home economics and it was very valuable, but now that has gone by the board because learning results stresses preparation for the workplace. This just points out what I am telling you. It is a good idea, but it should not be state law.

Imagine what would happen if we had enacted learning results 15 years ago and put some of the practices that were widely believed to be the final solution and solidified them. We have got to keep education fluid. We have got to give good teachers the right to teach without being interfered with by the bureaucracy. I do hope that you take this opportunity because it may be your last to vote against learning results. Thank you.

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

Representative **GAGNE**: Mr. Speaker, Ladies and Gentlemen of the House. I retired from teaching in 1997. We had already worked with learning results. I came up here that first term and talked in regard to this. It is amazing that I have to say some of the same things again. The Legislature passed the law. We have the law. We have to do this. It is the law. It isn't like we have a choice unless of course you want to change it immediately. We need to continue to support that law. To do that, we have to give the backing that this particular bill will provide. It is our original mandate. We need to support it with training the personnel, especially with assessment. That is the part that is the difficult one. We also have in it, if you have been reading through the amendment there, 303, it indicates also that it is going to report back every year as to how that is working. To my understanding, we have already got 70 percent of our schools meeting this obligation. We have many more who are on their path. In fact, one of the major high schools in my district already uses portfolio assessment for one of the graduation requirements. I think that is outstanding.

I found that one of the students presented me with what she had to do as a senior to show how she had learned some of the things that she followed through over the years. This will provide that. It will give the support that we should be giving them. It is saying, yes, we did the right thing with this. We want our students to learn. We want our students to go into the next century with all of those things. I can't believe listening and saying we are going to go backwards. It is good that we don't have home economics anymore. That is discrimination. I am glad we have guys and girls together. That is what they were doing in our high school and learning about living, nutrition courses and that kind of thing, instead of at home. That really got me to stand up, I will tell you.

It is the kind of thing that allows for learning to be fluid because you have so many choices and so many directions to go. It reaches all of the students, which is the whole point of learning results. Please get some backbone again and feel good about what you are going to do and support this bill. Support our teachers and our schools by passing this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative **DESMOND**: Mr. Speaker, Ladies and Gentlemen of the House. The Maine law has always been in place that told teachers what to cover in each grade and how many minutes or hours to spend on each one. The learning results are guidelines that will now help these teachers to be more flexible and they will be able to teach what is needed in the classroom. I hate to see something that is very good trivialized.

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

Representative **CUMMINGS**: Mr. Speaker, Men and Women of the House. The issue has come up around, is this an appropriate way to bring forward the best possible performance of our students? I have to believe that having clear expectations is directly related to excellent performance of our students. The argument, why don't we make it voluntary? I happen to think, for example, that registering my car and inspecting my car is a great idea. I caution you and this body against making it voluntary. The reason I caution you against it is that which we expect of people is often what we get of our people. Here we have made a statement as a state that having clear expectations of final outcomes of our students is a wise public policy. You made that decision, many of you still sitting here made that decision almost five years ago. I consider it a wise one.

What you have before you is, how will we go forward? How will we measure it appropriately and how will we bring out the best from this piece of legislation? I urge you, in this case, to say to the State of Maine, yes, we do have high expectations of our students. They are clear and they are the best possible investment in our future. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Foster.

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. Just a note on majorities. I believe the good Representative from Portland, Representative Cummings, is correct when he talks about the wisdom of majorities. However, there have been times when it hasn't always ruled. One of those times is when this Legislature passed some legislation and it wound up being called CarTest, which no longer exists. In the 118th Legislature there was a law passed to tax social security. That no longer exists. There are times when the majority does not always have the wisdom and is not always correct.

However, my wife has been a teacher for 36 years. I am not an expert on it so I refer to her when it comes to education. I showed her this piece of legislation when it was passed in the 118th Legislature and she was not impressed. I did not grill her to the point of making her mad at me, but I sort of took her advice and outside of the fact that Maine law requires somebody to go to school until they are age 16, I know of no law that guarantees any student an education.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. Four years ago when this bill was introduced, as a good conservative, I sided with my good friend from St. George in opposing this for a variety of conservative reasons. Last weekend while I was taking my walk from Yarmouth to Damascus, lightning struck. I suddenly realized that this whole thing called learning results is a conservative's dream. If it is successful, we will have accomplished what those of us on the conservative side want in public education. We are going to make all of the students accountable and we are going to test them. If that is successful, then we are going to move on to the faculty and test them every year and make them accountable. It is just wonderful. Please join me in supporting this.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Matthews.

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

The SPEAKER: The Representative may pose his question.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. I am going to attempt to put it in a question. It may take a little work here, but I'll try. I would ask the proponents of learning results to comment on this statement. It is interesting. It was in my hometown paper on Sunday by a teacher who taught in the Waterville area for a long, long time until recently. "Today's education collective goal is to prepare students to become marketable products with the prosperity of business and industry. As transnational corporations globalize the world economy, a monoculture is created. Education focuses upon the accumulation of information and the development of skills required by the monoliths. It is increasingly less concerned with fostering the principles of a democratic society, human dignity, freedom, social responsibility and the preservation of the earth." My only concern with learning results, what is the real end result and goal?

In my life, I remember a number of teachers that had a tremendous impact upon me. I remember them from elementary, secondary and from college. Almost to a man and woman, they were creative. They were controversial. They were individuals who didn't teach by the book. They had a lively, vibrant, educational knowledge experience. Does learning results promote that kind of educational experience?

The SPEAKER: The Representative from Winslow, Representative Matthews has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Men and Women of the House. The answer is yes.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative SNOWE-MELLO: Mr. Speaker, Men and Women of the House. Parents in my town have called me over the last couple of years and over and over again saying their children would like to be part of an honors class. When they sign up to the honors class, they have to get extra curriculum. In order to do so, they have to face the same problem or the same type of problem over and over again. Is this common? Is this something that learning results is supposed to be doing? I thought it was supposed to be challenging. Can someone answer that?

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

A vote of the House was taken. 90 voted in favor of the same and 36 against, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-303)** 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**.

Representative COTE of Lewiston **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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

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

ROLL CALL NO. 321

YEA - Andrews, Ash, Baker, Belanger, Berry DP, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Canavan, Chick, Chizmar, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jodrey, Jones, Koffman, Landry, LaVerdiere, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Mayo, McDonough, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Smith, Stanley, Tarazewich, Tessier, Tuttle, Usher, Watson, Weston, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Annis, Buck, Bunker, Carr, Chase, Clark, Cressey, Dugay, Duprey, Foster, Goodwin, Haskell, Kasprzak, Laverriere-Boucher, MacDougall, Matthews, McGlocklin, McGowan, Mendros, Michael, Nass, Perkins, Pinkham, Sherman, Simpson, Skoglund, Snowe-Mello, Stedman, Sullivan, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Twomey, Volenik, Waterhouse, Wheeler EM.

ABSENT - Bagley, Berry RL, Dorr, Jacobs, Kane, Labrecque, Lovett, Madore, Muse K, Pineau.

Yes, 102; No, 39; Absent, 10; Excused, 0.

102 having voted in the affirmative and 39 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-303)** in concurrence.

Seven Members of the Committee on **LABOR** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-650)** on Bill "An Act to Make the Unemployment Insurance Program More Responsive to the Needs of Today's Workforce"

(H.P. 944) (L.D. 1258)

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

BUNKER of Kossuth Township

MATTHEWS of Winslow

HUTTON of Bowdoinham

NORTON of Bangor

SMITH of Van Buren

TARAZEWICH of Waterboro

Five Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senators:

TURNER of Cumberland

SAWYER of Penobscot

Representatives:

TREADWELL of Carmel

DAVIS of Falmouth

MacDOUGALL of North Berwick

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-651)** on same Bill.

Signed:

Representative:
CRESSEY of Baldwin

READ.

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

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to go back and refresh the memory of the House on the history of the Unemployment Comp Fund, very briefly if I could, and then explain why I think this is a bad idea.

In the 118th Legislature there was a proposal to overhaul the Unemployment Comp Fund because it was very close to becoming insolvent. There was a small group of members of the Labor Committee that disagreed with that assessment and we asked the Department of Labor to do an evaluation and come up with some recommendations before we launched off into a major revamping of the Unemployment Comp Fund. The Department of Labor did that and they did a very good job. They came back in the 119th Legislature and presented what turned out to be a very good, very successful piece of legislation that was passed in the 119th Legislature.

Prior to the passage of that legislation, to solve those solvency problems with the fund, each unemployment check was being reduced by \$3 and in addition to that there was a 6 percent decrease in the amount of the payment for those people receiving unemployment comp. The legislation that dealt with the solvency did away with those Band-Aid fixes. It also did away with the system where all the employers were lumped into the highest assessment category, most of them were, I should say, and were paying the highest assessment possible under the system that was in effect. We implemented an array system that gave an even distribution of all the employers in the state. As a result of all that, the Unemployment Comp Fund is now solvent. As a matter of fact, it is solvent to the extent where this bill is attempting to get into the fund and take some of that money that has been placed there to ensure the solvency, ensure the payment of benefits in bad years, which we all know are going to come eventually. This bill will start payments to part-time employees who have never received those payments before. That is a misstatement. People who are employed part time now can receive unemployment comp benefits if they are available for full-time employment. If they are willing to accept to a full-time job and are available and are willing to work, they can receive unemployment comp benefits.

I just mentioned the Band-Aid fixes. The total reduction in those fixes to the employer receiving unemployment comp benefits was between \$12 and \$15 per check. I think there is a piece of material that was distributed by the Representative from Winslow, Representative Matthews. It said that the law that was put into effect in the 119th Legislature caused a reduction in benefits. I would like to have somebody explain to me where that reduction occurred. Actually we had a net gain in benefits for the unemployed workers of the State of Maine.

Another thing that happened with that legislation in the 119th Legislature was the law that was put into effect required that any legislation that would change the cost of benefits to the fund must undergo a thorough impact analysis by the Department of Labor before those expanded benefits could be approved. That study has not been completed at this time. It was never addressed, even though it is required in the legislation that was passed in the 119th Legislature. It has not been done.

With those points in mind, I would encourage you to vote against the pending motion and let's pass the Ought Not to Pass report.

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

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to support the Minority Report for the following reasons. The Unemployment Comp Fund is just 70 years old. It was created in the late 1930s to serve two important purposes, to provide critical income to support unemployed workers and their families and to keep dollars flowing in the local economy to replace those lost wages. Those goals remain just as important today as they were then. In short, people who are gainfully employed and lose their job, through no fault of their own, through factory closings or whatever, this is what this fund is for. To go beyond that and to have services beyond that is going to weaken that fund and it is going to make us not ready for the next factory closing or recession. I urge you very strongly to support the Minority Report and keep this fund healthy. Thank you.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. What this bill seeks to do is to provide unemployment benefits to people who are working part time. This will affect the 35 million workers in the State of Maine who have part-time jobs. One factor that you want to consider is that our state collects taxes for the first \$12,000 of income for each employee. The state is already collecting taxes based upon these part-time workers. There are many people in our state who have part-time work. Many of them are women who are unable to work the full 40-hour week because their duties also require looking after the children. They are able to work the 20 hours and thereby contribute their amount to the household. In such a case under our present law, there is no protection for these people because if they are laid off, they are not entitled to unemployment benefits unless they are able to go for full-time work. We have created a catch 22 where these people cannot receive the kind of protection that other workers get.

The protection that is given to these workers is not full unemployment benefits. They would be prorated according to their earnings that they would have each week. One other thing that you want to consider is we are not really talking about a raise in unemployment taxes as we are talking about how much of a decrease in employment taxes the employers are going to have.

From the information that is available, there were changes in the unemployment taxes that were provided to restore the trust fund to solvency two years ago. What has happened as a result of these changes? The trust fund reached solvency much faster than predicted. As a result, it is now predicted that employers will see a significant decrease in taxes over the next two years. The total value of the projected reduction, if we do nothing and this bill is killed, is \$65 million less in unemployment taxes will be collected over the next two years. There is room for equity to come into play here. What is estimated by the Department of Labor is if we do fund part-time workers for low unemployment, it will be about \$3.6 million a year. If we have a very high unemployment period, it could go up to \$10.4 million. There is room for employers to have their reduction and for us to cover these part-time workers that are part of our work system.

Let me put a more personal note on it. I do run a small office, which has full-time people and some part-time people. I have always relied on my part timers, on the mothers with children who are looking to work 20 hours. If I would shut my office down, I have been paying unemployment taxes for all my

employees. I would prefer to see that my taxes went to benefit the part timers who would be temporarily out of work as well as the full timers. I think it is no more than equity. I think when you look at it from a personal point of knowing the impact on your workers, this is something that should be passed. We should provide some equity to part-time worker. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. It is interesting in this debate today to listen to some of the opposition from my good friend, the Representative from Carmel, and others on the Labor Committee. I am looking at a report here that says that this breaks faith with an agreement. What breaks faith with an agreement that I remember is that part of his equation was not only solvency for business and industry in the State of Maine, but also the issue of those that are recipients of unemployment compensation and those that are affected by the system. That is also part of the equation I remember. As a former member of the Labor Committee last session, I remember that upon achieving solvency we would look at the issue for dependents and benefits. That was the agreement that I remember. There was never anything written in stone, written on paper or signed in a blood oath. The last I recall as far as being a legislator is concerned and a State Representative, the only oath that I take is the oath to uphold the Constitution.

I want to talk a little bit about the Constitution today and unemployment. For those that are part-time workers, there are no benefits for part-time workers in our State of Maine. Taxes are taken out. These individuals work very, very hard, men and women, and yet they are considered to be nonexistent. When they are laid off, wherever they go, Lord only knows. I would imagine some of these folks probably go to our towns and our municipalities and our state to make ends meet, yet they work. More and more corporations and companies today demand part-time workers. I challenge anyone in this body to dispute that fact. I believe when we were looking at this bill in committee, 30 percent, I believe, of the workforce are part-time workers in Maine. It is pretty much a standard number across the country. One out of 10 low-income women avail themselves of unemployment insurance. I think there are a number of constitutional issues here, equity issues. Are we going to recognize the labor and the hard work and the toil of part-time workers in our state? I, for one, say I think it is time to do that. I think it is long past time to do that.

As I was looking around for information and knowing this debate was coming I went to a publication by the report card on poverty by the State Planning Office. "The number of people using homeless shelters in Maine has risen steadily over the past few years. The number of households receiving food stamps last year was lower than in the early 1990s, but it has not, in spite of the good economic times, dropped to the level it was in 1988 and 1989, the last good economic times. The portion of Maine citizens lacking health insurance is lower than the national average, even through the coverage rate in Maine today is less than it was in 1980 when over 90 percent had health insurance. For those who are making it above the poverty level people are working more and more hours and the incidence of workers holding multiple part-time jobs remains high in Maine while declining nationally."

I don't understand why someone who is working part time because they have a sick child at home or a sick parent or children in daycare and all they can do is work part time, why if they are laid off, they cannot collect unemployment benefits and the full-time worker can? I don't understand the justice there. It

doesn't compute. I have not gone through learning results, but this just doesn't compute.

The issues raised by the good gentleman from Carmel are good questions and I will attempt to answer his questions. Benefit levels were reduced because we, in the committee when we dealt with solvency, one of the issues that the chamber had and some other folks on the industry side had, was to make the system tougher on those that avail themselves for benefits. I felt as though at that time it was kind of like going to the get together and you are going to try to work out a resolution of a problem, but the deck is not quite even. We were asked to save the Unemployment Comp Fund and we are going to put the array system in that is part of it, but we are going to demand some benefit cuts over here that we really want. There was about \$15 million worth of benefit cuts, as I recall. Changes in misconduct, charging greater interest for overpayments, setting up more stringent qualifications to qualify for benefits and as one member of the committee with some other members that were on the committee at the time, we were concerned about the other side of the equation. People that have to have these benefits to survive, working men and women.

In my estimation, the only promise broken is for those affected and promises have always been broken for those in the greatest need. I am here to represent them. I stand before you today as a member of the Labor Committee having served with the good gentleman from Carmel and others on the committee and I say the agreement that I don't believe that was lived up to was looking at the dependents, looking at the benefits issue and I think that is an issue of equity and justice. I am asking you to support this bill today. I believe this is keeping faith with the agreement that I made.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Schneider.

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

The SPEAKER: The Representative may pose his question.

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. This is for any member of the Labor Committee. Has the Bureau of Unemployment Compensation completed the review and evaluation of this proposed benefit change that is required in Title 26, Section 1190?

The SPEAKER: The Representative from Durham, Representative Schneider has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. The answer to the good Representative from Durham, Representative Schneider, the answer to that question is no.

Earlier in the debate it was said that expanding benefits to part timers somehow wouldn't cost the employers or that all it would cost them would be less of the money that would go back to them in terms of reduction in taxes. During the public hearing and work session, we did work this bill pretty extensively, I think. The Director of the Unemployment Compensation Bureau, I did ask her a question, I said if this bill were to pass as amended, which we are discussing this afternoon, would it impact the system or how would it impact the system? It would either affect the solvency or revenues would have to be raised in terms of an ongoing basis, which only makes sense if you are expanding the opportunity to have to write checks out to the system, it would make sense that it is impacting the system in a fiscal manner.

As I view this issue, I look at the State of Maine in the year 2001, we are a low-wage state. We have the lowest disposable income in the country. We are highest taxed or among the

highest taxed states in the union. The cost of doing business in Maine is exceedingly high. In this case with this fund and with the solvency legislation that was passed last session, it is wonderful news that solvency has been acquired. What also is a good thing is if \$39 million in the form of a tax reduction to this fund can be given to our employers. That is a wonderful thing because what businesses will do with that is infuse that into their businesses in terms of either wages and benefit and expansion, expanding their business and trying to compete as they move forward in the Maine economy. I think that is a good thing for all working people in the State of Maine. I think it is very important.

In one of the handouts, I believe it was from the good Representative from Winslow, Representative Matthews, it was a point about this bill being a matter of fairness. It goes on to some financial details there. He sums up that it is only fair that employees also benefit from this unexpected good fortune, meaning the infusion of additional money into the fund, that \$39 million. I absolutely agree and I would imagine everyone in this body would agree. I think it is important that all employees benefit from that and they can benefit most by all the good hardworking people in the State of Maine if this tax reduction is allowed to be given to them and benefits are not expanded because the bottom line is we will have healthier businesses in the State of Maine, which means we will have healthier jobs. That is good for Maine families.

Mr. Speaker, I would request a roll call.

Representative MacDOUGALL of North Berwick **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

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

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. What this bill is trying to cover are people who are part-time workers. Part-time workers are there because that is what the employee wants. If they had full-time work, the conditions of employment would be such. For the part-time workers, that is what they and the employer agree to do. The employer pays into the Unemployment Comp Fund for part-time workers as well as for full-time workers. What this bill is trying to do is to show that when people are not with that same employer part time, that they be able to receive the unemployment as part-time laid off workers. We know very well that most part-time workers are not receiving full-time benefits. They are fortunate if they are receiving benefits at all. We all know many, many people who the place of business always has part-time workers, not full wage, not full work, but part-time work. Because there hasn't been a chance for part-time workers to receive unemployment as part-time workers, now we could change that.

The other part of this we have to realize is it would be wonderful and will be wonderful in that future world where all employees are happy and all workers are happy, part-time workers are happy. When someone is laid off from employment, that is not the decision of the employee. The employers lays people off. You know and I know there have to be certain requirements in order to receive any benefits. Once there is no money for the individual, whether they are in any kind of a circumstance, I am not going to go into family, non-family, children, no children, aged parents or no parents. What we are talking about is the fact that they need dollars just as anybody does. You can't pay the rent with food stamps and you can't pay the light bill with future promises that they are going to be going back to work some day. They need some money, as they did before when they were working. All this is asking for is equity in the circumstances whereby the employer had them working part

time. The employer got their labor part time. The employee is not trying to be taking advantage here for full-time unemployment benefits, just part time.

We all know people who, in fact, went at the shoe shop, the mill or at the store when a full-time worker is laid off for part of the week, they, in fact, can get a partial unemployment benefit. I hope that rings a bell with some of the people here. I hope that you have all known somebody, heard of somebody, maybe even yourself sometime in the past. You were laid off from full-time employment and only getting part-time work and therefore you could get a slip from the employer and get paid.

I was so glad to hear the Representative from Falmouth say that this is a long-term service, the Labor Department, the Employment Service, the Unemployment Insurance, these are all State of Maine facilities that have been around for a long time. The employers, I hope, understand what the employee is asking for is part-time unemployment like they were the good part-time worker, the employer laid them off. If the employee just quits, it is not the same thing. You know it and I know it. The terms are pretty clear. You can't go in and lie to those people without suffering horrible consequences. Let's look at what this is actually, is doing only within the parameters of what the bill is actually saying. If we go outside of those parameters, we can, in fact, involve a lot of other things, circumstances and people. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. I just want to cover a couple of points that have come out of the debate so far. The good Representative from Van Buren, Representative Smith, mentioned that there are 35 million part-time workers in the state at the present time. If his figures were correct, 35 million part-time workers, I believe that is far more than we actually have in the workforce in the State of Maine with a total workforce of 685,000 workers.

We were given figures from the Unemployment Comp Bureau of about 30 percent of the workforce is working part time. There is one reference that we have heard here several times is that a part-time worker should be able to draw unemployment. That is a fact. Part-time workers who are laid off, if they are qualified to draw unemployment, they can do so as long as they are available and willing to accept full-time work. There is no prohibition against part-time employees once they are laid off from drawing unemployment comp benefits.

The handout from the good Representative from Winslow, the last bullet on that handout says that this bill would help people coping with health or safety problems for themselves or their immediate family members to benefit from this piece of legislation. I would submit to you that that is not the purpose of the Unemployment Comp Fund to provide for health and safety problems for workers who are in the workforce. It is not a welfare program. There are other programs that would take care of those individuals, not the Unemployment Comp Fund.

The **SPEAKER**: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Thank you for the roll call. I have been waiting. As you well know, Labor tends to be a divided committee. We tend to have one side of the aisle against the other side of the aisle. I have done my darnest this year to not have many of those bills that I felt should have been really partisan. It appears this one is sizing up this way. I was going to request a roll call because I can't wait for this document to be used for our next legislative cycle. It is just hard to understand. How many part-time folks do we have in our backyard, ladies and gentlemen? What has our economy changed to in the last 10 years? What is our service

industry type of building jobs in Maine done to this state? It has created some great things. There is no debate about that. There are a lot of new jobs, a lot of flexibility, a lot of moms and pops and grandmas and grandpas being able to work a limited number of hours because of their health or because of the health of their loved one or maybe because of their children. It has done some wonderful things for the state. That is the whole idea of insurance.

Ladies and gentlemen, why do you buy insurance? When you need it, you can use it. The employer buys insurance to cover full-time and part-time workers. You are right, the Representative is very correct, this covers full-time and part-time workers. The problem is very clear and you have heard it already. When you are working part time, if you are doing something or you have obligations that don't allow you to work full time, then you can't draw unemployment when you need it. That makes it very, very difficult because if a third of the state or 30 percent of the state is doing part-time jobs and the rest are doing full-time jobs, it is very, very difficult for many of those places in the rural areas and in certain parts of this state that if you lose your part-time job, ladies and gentlemen, there are no full-time jobs out there in our end of the state. The southern part of the state, we had a little debate earlier, I am real thankful about what the southern part of the state is doing. When you get in the woods with the trees and the moose and the deer, I can tell you that when somebody loses a part-time job, that is devastating to a family. I think that is the value of this bill, those folks that have to have that part-time income, when they are laid off. Ladies and gentlemen, make no mistakes about it, as the Representative said, part-time employees can currently draw when they meet the requirements of a full-time employee and amount of salary or earnings that they make. There is no bunch of people coming to the well here. The people that are going to be able to draw this benefit is very narrow and very focused, are the people who have worked a long period of time and have earned this benefit that they would normally get if they could get full-time work. We are talking the people who are most in need and also the people that have very limited access to full-time jobs in the rural part of the state.

What is really important to me with this issue is we hear about this stuff on the national level, about giving tax relief and giving back \$400 checks to the people that paid it in and all this kind of stuff. Ladies and gentlemen, we are own worst enemy when it comes to state policy. When we have a downturn, the reason why we have a reserve is so that when the state has a downturn, we can draw upon that reserve to keep us going until the upturn again. That is what the design of this case is all about. What are we doing? We are own worst enemy. We say when we have a downturn, southern Maine think about this, all those part-time employment positions we set up are suddenly laid off, what does that do to the economy? What are those families in southern Maine to do when there is a downturn in the economy? They either have to go on the system, on the food stamps or they don't spend their money in the local businesses in southern Maine. The other folks that come from away spend a lot of money here, but when we have a downturn, we are the ones that pay dearly. I think that if we can carry our state through insurance, through the downtimes, then when the good times come again, we replenish those funds. That is kind of what this system is designed for.

It is, in my mind, kind of an economic development thing. When we have a slow down, let's have a good 10, 12 or 15 months of support to the Unemployment Comp Fund and then when things turn up at the first of the year those folks go back to work. It is a wonderful plan. It keeps our people paying their bills, paying their grocery bills, spending their money and keeps

the economy moving during a slow time. This is an important bill and I just can't wait for the vote. 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, Men and Women of the House. If an individual is working three or four part-time jobs, which some people have to do to make the minimum amount of money to survive in this state, if that individual should happen to be laid off from one of those part-time jobs, how would that affect the unemployment? Would they be able to draw or use it because they have income coming in from their other two or three part-time jobs?

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 Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I think the Representative answered his own question. There is no way to access the Unemployment Comp Fund to make money. If you are laid off from one of your three part-time jobs, I have many folks up our way that are in that situation, obviously, you know you are not going to make a wealth of money from the Unemployment Comp Fund. It is greatly reduced from what you used to earn. The offset employment that you would have in those other two jobs would eat up all of your benefits. You would essentially be receiving nothing from the Unemployment Comp Fund.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to thank the good gentleman from Kossuth Township for his answering my question. Apparently what I am hearing is this will truly not affect too many people out there. Up in my area we have the same problems the good Representative has down his way that they don't have to work just one part-time job, they have to work two or three. With the spouses they probably have four or five part-time jobs just to make a living for their families. I don't see any problem with this. Thank you.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I guess this is a pure fairness labor bill as far as I can see. I am beginning to see a double standard running here that I am very uncomfortable with. People work 20 hours a week. They work hard. They are hard labor jobs most of the time. The unemployment tax is taken out of their check. They are laid off. They are the first on the layoff list, not because the quality of the work isn't there, but because the employer knows that they are not going to be taxed for unemployment compensation when these people go to the office to collect.

This is a bill that if we don't pass this, the only people in this whole state that are going to benefit by this are the big box companies that come in here with the deliberate intent of doing nothing but hiring part-time people. They don't want full-time people. In fact, they make it so miserable for full-time people that people will take demotions and go down to part time because when you go with the WalMarts and you go with the Hannafords and you go with the Shaws, if you don't, to go full time with them and be like a vagabond living out of your suitcase, moving from here to there and doing this and that, then full time is not available for you. These are people that have earned this money. I would rather they collect their unemployment

compensation that they have paid in than go down and go on city welfare. Don't kid yourself for one minute. Pass this bill. Put this bill in the dungeon and you are going to pay for it through your property taxes because these people cannot live. They are not asking for a handout. They are not asking for a hand up. They are asking for what is theirs. It is a good common sense bill. Let's let part-time workers get what they have deserved for as long as I can remember in this state. Thank you Mr. Speaker.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I have been here listening to this debate and people are making it sound like the employees pay some kind of tax. They don't. This is 100 percent paid for by the employer. Employees don't contribute a dime. Two years ago we had a problem in the Unemployment Comp Fund and we were asked by the Department of Labor, we, meaning employers, to cough up a little bit more money because the fund isn't solvent. At that time we did not have the employment rate that we do now. We were in trouble. We had tough economic times. The employers stepped up and said, yes, we will pay in more. The employer said that we will pay in more to make the fund solvent. The unemployment rates started to go down and we were in the 2.5 percent range and when you have that kind of employment, the fund gets more money into it because it is based on wages. The fund becomes solvent. Now it is actually above solvency, but what do we want to do? Do we want to tell the employers thank you for stepping up two years ago? No. What we want to do is expand benefits and then if we have another economic downturn in this state, which is probably right around the corner, we are going to ask you to pay even more, because we want you now to pay unemployment to part-time workers. That is not factored into this bill. All we care about is using the excess that we paid in now, but not the long-term effect of that policy change.

Ladies and gentlemen, why do we keep thinking business is a bad word? We ask them to step up and make the fund solvent. Let's move on. No, now we need to expand benefits. We pass a family medical leave act on the national level for 50 employees or more, but in Maine we make it 15 employees or more. The employers said that we can live with that, but now we want to pay them unemployment compensation if they are part-time workers and need to take care of a family member. When does it stop? When does it stop?

I want to make sure that everyone knows the employee pays nothing to the Unemployment Comp Fund. Nothing. Zero. Nada. It is 100 percent employer paid. Thank you Mr. Speaker.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I am an employer too. One of the pieces to this debate that the good Representative said how he interpreted this is the overpayments were not going to be returned, we were only going to expand unemployment to the part time. That is really inaccurate because over the next three years we are going to be returning a great deal of money to the employers and I think that is good. When we had this debate a few years ago that was the focus of most of the debate, the solvency of the fund. There was another part of the debate and that really dealt with the nature of the workforce.

I think it is time that we finally talk about the other crisis as opposed to the solvency. We need to examine who is not covered by the unemployment system. Today's work place is much different. We need to ask this. Is the system really meeting the needs of today's workforce? Is it meeting the needs of the people in Washington County or Norridgewock or in Gardiner who are working two or three part-time jobs? I guess I

think that the system is not meeting the needs. As a matter of fact, this system was created 70 years ago and it was a much different world and it was a much different workplace. I am not voting for this bill because I am anti-business. I am in business. I am voting for this bill because I am pro-people and I am a people.

The facts are disturbing, four in 10 workers only get these benefits when they are employed. My friend from Raymond is absolutely right. The money is paid in by the employers, but the part-time employees that the employer is paying in for can't reap any of the benefits. They can't collect. There is an inherent unfairness there.

I guess for me of even greater concern is only one in 10 low-income women qualify for unemployment benefits when they lose their job. That is over the whole spectrum of this unemployment system. One in 10 low-income women qualify for unemployment benefits. It seems to me that that is a real inequity. That is a real flaw of how this system is designed and that is what this bill is trying in a very even handed way to address. Although we're extending a helping hand out to those other nine women who cannot collect unemployment even though they are working, trying to raise families, struggling, the simple fact is we are extending that benefit and we are also at the same time offering help to people like me who employ people. I think it is a good equilibrium in this legislation.

I guess I think it is the part-time workers who are laid off, I think we should let them collect unemployment benefits, but only, this bill makes sure of it, if they meet all the other eligibility requirements to collect. It is not a blanket just to go out and collect the money. You still have to meet all those other requirements. I think it is a basic matter of fairness. The employers are already paying the taxes on part-time workers. These part-time workers are already meeting the same eligibility requirements as full-time workers. The only difference is that these workers don't get the benefits when they get laid off, even though they are the ones that need them probably the most.

Let's do the right thing here and let's support part-time workers. Let's accept this Majority Ought to Pass Report. Thank you Mr. Speaker.

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

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. I have a report here from the National Federation of Independent Businessmen. I am not going to read it. I will paraphrase it with just a sentence or two. If we include part-time workers in the Unemployment Comp Fund, ultimately you are going to have to raise taxes. I just wondered if the people who will be here in 3001, I often think of what George Romley said, a liberal Republican who ran for the presidency, he said we may end up with just big labor and big business. We may not have any small business. The NFIB says this is going to hurt them. If you have a marginal small business, it could put you out of business ultimately. I ask you to think that 80 percent of the Maine businesses are small. I think that this would be very unfair to them. I agree with Representative Bruno that we have to think of the people paying into this. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. Under the auspices of the Majority Report in the Committee Amendment, for the purposes of Subsection 3, is illness or disability defined?

The SPEAKER: The Representative from Old Town, Representative Dunlap has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. The answer is, I am not sure if it is directly defined elsewhere. I know within the system currently they have to make these decisions based on health and illness. I would assume it is defined elsewhere, but I do not have a direct answer to the Representative's question.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. We have heard a lot about the plight of the part-time worker and it certainly merits some consideration. However, existing law says that if you are going to propose a benefit change, you can't do it unless there is a review and an evaluation. I am just wondering, has that been done? The answer I have heard so far is no. Are the proponents simply ignoring this law? What is your position? How can you ignore what it says in Title 26?

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Until I saw that on my desk, I didn't have an answer for you. I did go to get an answer from Laura. I questioned her about that. She indicated to me that to the best of their ability with the resources they had, that they reviewed the components of that. The difficulty she had in fully complying with the wording of that, if you read the lead in sentence, it says to the information available. The problem is defining this group of people, defining who would actually be accessing this benefit and what the actual numbers would end up being.

It is quite easy, I am sure, to say that I want to give somebody an extra \$50 a week, I am sure they can go out and do studies and financially do spreadsheets to see what the implication would be and who the implications may rest with and what kind of income levels and what businesses that may have those folks. The problem here is it is like having underemployment. You don't know who they are. It makes it very, very difficult to define it. The estimates that we are hearing about, the cost \$3.5, the \$6 million, depending on whether it is a low or high kind of unemployment compensation year, just shows the spread of the cost here. It is very, very difficult. I would guess that we are going to find that those estimates are inflated greatly. Over the years, in the next three or four years, we see those rates start to be reflected in future rates. Just to be very clear on the rollback, we are talking about the NFIB folks saying this is going to cost the small business folks. To be clear, in October, the mandatory rollback by statute will be rolling these figures back from .11 to .08, that is a rollback of 20 percent or 30 percent. That is a big rollback. Every employer in the State of Maine is going to see that rollback. In the next two or three years the implications of this bill may adjust that by 5 percent possibly, in the other direction. I think that when we talk about tradeoffs, when we lost benefits when we made these deals a couple of years ago and the business folks came to the table and added, I think that was a wonderful job done by our predecessors. Now that the fund will be solvent in October and these automatic rollbacks are coming into place because of the statute, this is the right time to make those decisions for the future. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Schneider.

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. You may recall quite a few minutes ago that I asked a question about whether the Bureau of Unemployment Compensation had completed a review and evaluation of this proposed benefit change. I got my answer. The answer was no, they had not. The good chairman of the Committee on Labor has verified that. No, they had not. I had a very specific reason for asking the question. That is because in the last Legislature, in the 119th Legislature, we passed a law that requires the Bureau of Unemployment Compensation to conduct a review and evaluation of any proposed legislation that would result in benefit changes. This law was very well crafted. It is very clear in its execution and its intent.

I would like to quote from it. It is on a handout that I passed out; if you still happen to have it in your vicinity you can read along. It says, "A proposed benefit change may not be enacted into law unless review and evaluation pursuant to Subsection 2 has been completed." Therefore, if we enact this legislation into law, we will be violating a law that was passed in the 119th Legislature. Ladies and gentlemen of the House, if you have as much respect for the law and you are as interested in following the law as I am, I would urge you to vote to Indefinitely Postpone this bill. I would move to Indefinitely Postpone this bill and all its accompanying papers. I would ask for a roll call.

Representative **SCHNEIDER** of Durham moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his 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: 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. 322

YEA - Andrews, Annis, Baker, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chase, Chick, Clough, Collins, Cowger, Crabtree, Cresse, Daigle, Davis, Duncan, Dunlap, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, McGowan, McKee, McKenney, McNeil, Mendros, Morrison, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Povich, Rines, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tessier, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cummings, Desmond, Dudley, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jones, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeon, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McLaughlin, Michael, Michaud, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Quint, Richard, Richardson, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

ABSENT - Bagley, Dorr, Dugay, Jacobs, Kane, Labrecque, Lovett, Madore, Muse C, Muse K, Pineau, Wheeler GJ.

Yes, 65; No, 74; Absent, 12; Excused, 0.

65 having voted in the affirmative and 74 voted in the negative, with 12 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. Ten days ago on a Thursday night at about this time, we were debating another anti-business bill. I said to you that in the time that I have been here since January, my community had lost over 350 jobs. That may not have meant much to some of you, but I went home that next morning and what greeted me when I went home, but the news that our town's largest employer had just laid off another 450 jobs. Those were full-time jobs, over 800 since I have been in this Legislature in January of this year. I heard a speaker earlier question why we have part-time workers in Maine or why we have so many of them? That speaker was decrying the fact that we don't have full-time jobs. Ladies and gentlemen, we don't have to look any further than within the confines of this chamber to know why we don't have good full-time jobs in this state.

The *Portland Press Herald* was talking this weekend about the situation in Sanford. The information that they put in the paper was this. I am going to read you just a small part of it. "Over the past decade the country has experienced a 5 percent reduction in a number of manufacturing jobs while Maine has seen a 20 percent reduction." In the last decade, ladies and gentlemen, we have lost 20 percent of our manufacturing jobs, full-time jobs and good wages. They are gone. The reason they are gone is because of the actions that we have taken in this House and in the other body. This article goes on to say that in the past year alone Maine has lost 3,800 manufacturing jobs. Where are we going to replace those jobs? We are driving employers out of the state. They are not just laying people off with the expectation they are going to bring them back. They are leaving. Come down to Exit 2, the York exit, watch the trucks roll out of state. They are going away and they are not coming back.

When I hear this talk about why we don't have good full-time jobs, you know I am reminded of the child who kills his parents and then he throws himself on the mercy of the court asking for leniency because he is an orphan. You have killed the full-time jobs and now you have part-time jobs and you wonder why.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. The good gentleman from Sanford, whom I respect a great deal, I may not agree with. I want to share with him that my community lost jobs also. It wasn't over part-time benefits. It wasn't over family medical leave. It had to do with profits and moving to Mexico, reaping the benefit of tax breaks in Maine. A community that opened their arms and supplied their labor and they went to Mexico. I feel badly for their community, but I also feel badly for those part-time workers in our State of Maine that money is set aside through the Unemployment Comp Fund, but they can't avail themselves. There is no room at the inn for part-time workers. I think it is true of large employers like Kimberly Clark. There is no room at the inn for those companies either with respect to people. They will go where profits are maximized, environmental regulations are minimal and the almighty dollar rules and prevails.

We have another side of what we do here in Augusta when we are elected. That is to try to bestow equity and justice to our citizens. I have no problem today standing up for part-time men and women, mostly women, as the good Representative from Bangor, Representative Blanchette, so eloquently stated. With all due respect, I don't believe that this legislation has anything to do with the issues that were mentioned previously by the good gentleman from Sanford. We need to fight with that good gentleman from Sanford to make sure that we have employers

here that recognize the state we live in. We are proud of our workforce. We are proud of our schools. We are proud of the system we have in Maine that recognizes the little and the big, those at the bottom as well as at the top. With all due respect, Mr. Speaker, I felt strongly that someone needed to set the record straight. I have no problem voting for this legislation. I strongly urge every member of this House to do the same.

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

ROLL CALL NO. 323

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cummings, Desmond, Dudley, Dunlap, Duplessie, Estes, Ethier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jones, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McLaughlin, Michael, Michaud, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Tarazewich, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chase, Chick, Clough, Collins, Cowger, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, McGowan, McKee, McKenney, McNeil, Mendros, Morrison, Murphy E, Murphy T, Nass, Nutting, Peavey, Perkins, Pinkham, Povich, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tessier, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Dorr, Dugay, Jacobs, Kane, Labrecque, Lovett, Madore, Muse C, Muse K, O'Brien JA, Pineau, Sullivan, Wheeler GJ.

Yes, 77; No, 60; Absent, 14; Excused, 0.

77 having voted in the affirmative and 60 voted in the negative, with 14 being absent, and accordingly Report "A" Ought to Pass as Amended was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-650)** 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-650)** and sent for concurrence.

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT – Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-199)** – Minority (6) **Ought Not to Pass** – Committee on **LABOR** on Bill "An Act Regarding Dismissal of Municipal Employees for Cause"

(S.P. 557) (L.D. 1719)

- In Senate, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED – May 21, 2001 (Till Later Today) by Representative **BUNKER** of Kossuth Township.

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

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

On motion of Representative KASPRZAK of Newport, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The same Representative **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 Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. Just briefly, this is a law that you will have cause for firing public employees in the public sector. I would remind everybody that in my Town of Falmouth they have both. The Teamsters Union is recognized as a bargaining unit for people who plow the roads and so on and yet there are people who are at will. The system seems to work very well. I see no reason to change at this point. I would urge that you go with that idea. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Not to encourage debate here, Mr. Speaker, because we are moving along so well. I just wanted to clarify this just so you know what this bill is about. I was going to do this initially, unlike my prior experience of cleaning up at the end. I am not sure that many of you are aware of this, I have asked several folks in the last few weeks about the ramification of this law court decision and if you asked anybody about municipal and county employees and you said, can you fire them after their probation without cause, you would say no. A law court decision in 1999 possibly was brought in the wrong kind of the section of the law. It made it a little cloudy, but the court basically said that unless it was in statute, in other words the code enforcement officer is clearly in statute, it says you have to have just cause. If you go over to the town clerk that is elected, you have to have just cause to remove him or her. If you go over to another part of municipal government, let's say a town manager kind of business, many of the people you represent are exclusively run by town managers and city managers, all those employees have to have just cause to release those folks and they have to go through a process. What happened is everybody assumed this is the way it is. It has always been this way until the law court decision and then suddenly in 1999 because of this improperly submitted case, in the wrong area, the court decided that unless it was in statute, then their hands were, quite frankly, were somewhat tied in the way it was presented and they ruled that if you are not clearly in statute, you are not one of those people I talked about, which is a large percentage of the people in this room's constituents, then you are at will. What it really means in this case, ladies and gentlemen, many of your constituents are going to be coming to you in the near future, now that the people realize they can fire these people without cause, they are going to come and say that I worked for this business for 20 years, I worked for the Highway Department in a municipality, I was never in a collective bargaining agreement and now they tell me I am at will. That is crazy, ladies and gentlemen. This has not been working okay for the past. It was a recent change that MMA now can see they have a way of getting out of some hearings or get out of doing some paperwork that they normally

would have done. This is a right thing. It is owning up to our responsibilities the way it used to be. We are just clarifying in statute that this is the way we want our municipal employees treated, the way they have always been in the past. If you are after probation, you have to show just cause before you can terminate them. It is correcting a law court decision and it is reversing that court decision to allow business as usual as it had been done in the past. Thank you.

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

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. LD 1719 would fundamentally change municipal law. At the public hearing the Maine Municipal Association came forward and had a concern because this is a major change and their 70 member legislative policy committee voted to oppose this bill. They believe there is an appropriate balance currently between the public policy interests for the municipal government and their employees and that that balance should remain. During the public hearing they had mentioned too that if this bill were to pass, the costs that would be put onto towns with litigation could be pretty formidable. When they came to the work session, they gave us some figures and that, first of all, any time spent, at a minimum, of investigating any kind of a claim would be at least two days and that the average attorney fees run between \$125 and \$150 an hour. That is something to consider as you make up your mind this evening. Remember folks, the cost of running schools between the heating and other arenas that have impacted our local towns is continuing to soar and this particularly hurts our fixed income residents in the various towns who are going to see that impacted in their property taxes and other areas.

The **SPEAKER**: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. One other thing on the amendment to the bill, it is a mandate, number one. Number two, I am perplexed a little bit by this bill. We would be granting to municipal employees the rights that they would have if they were members of an organized bargaining unit. I don't understand why the people who are proponents for the unions would be wanting to grant those rights to people who otherwise may want to organize and join a union within these municipalities. We are granting them through this law a part of those rights that they would have as a result of being members of a bargaining unit.

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

ROLL CALL NO. 324

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jones, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, Michaud, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Povich, Quint, Richardson, Rines, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chase, Chick, Clough, Collins, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Ledwin, MacDougall, McGowan, McKenney, McNeil, Mendros, Michael, Murphy T,

Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Savage, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Andrews, Bagley, Crabtree, Dorr, Jacobs, Kane, Labrecque, Lovett, Madore, Morrison, Murphy E, Muse C, Muse K, Perry, Pineau, Richard, Wheeler GJ.

Yes, 78; No, 56; Absent, 17; Excused, 0.

78 having voted in the affirmative and 56 voted in the negative, with 17 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-199)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-199)** in **NON-CONCURRENCE** and sent for concurrence.

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

ENACTORS

Acts

An Act to Amend Certain Laws Pertaining to the Maine Land Use Regulation Commission

(S.P. 365) (L.D. 1203)

(S. "A" S-301 to C. "A" S-181)

An Act to Streamline the Administration and Enforcement of the Work Permit Provisions of Child Labor Laws and to Enhance the Use of the Occupational Safety Loan Fund

(S.P. 550) (L.D. 1708)

(C. "A" S-295)

An Act to Encourage Savings for Higher Education

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

(S. "A" S-298)

An Act to Ensure Retailer Compliance with the Tax on Tobacco Products

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

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**.

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Green who wishes to address the House on the Record.

Representative **GREEN**: Mr. Speaker, Men and Women of the House. Because I was not in attendance this morning, I missed several roll calls, eight to be precise. If you will bear with me, I will go through those and please put on the record how I would have voted had I been here rather than with my seniors on Project Graduation having a wonderful time. In reference to Roll Call 301 on LD 1170, if I had been present, I would have voted yea. In reference to Roll Call 302 on LD 323, if I had been present, I would have voted yea. In reference to Roll Call 303 on LD 1394, if I had been present, I would have voted yea. In reference to Roll Call 304 on LD 1409, if I had been present, I would have voted nay. In reference to roll call 305 on LD 1693, I would have voted yea. In reference to Roll Call 306 on LD 1722, yea. In reference to Roll Call 307 on LD 1778, yea. Finally, Mr. Speaker, in reference to Roll Call 308, LD 1778, yea.

The **SPEAKER**: The Chair recognizes the Representative from Westbrook, Representative Duplessie who wishes to address the House on the Record.

Representative **DUPLESSIE**: Mr. Speaker, Men and Women of the House. If I had been present this morning, there were three roll calls that I would have liked to have voted on. Roll Call 301, yea; Roll Call 302, yea; Roll Call 303, yea.

On motion of Representative **GOODWIN** of Pembroke, the House adjourned at 7:23 p.m., until 9:00 a.m., Tuesday, June 5, 2001.